Collection THE PAPERS OF

ANDREW HULL FOOTE

Series and/or Container _____

Shelf/Accession No. MSS 18,988

86-38 (rev 7/82)

Foote, Andrew Hull, 1806-1863. Papers, 1822-1890.
(card 2)

[illegible] Forts (1856) near Canton, China. Other topics include trade with Japan; missionaries in Hawaii; Civil War naval actions, including the attack on Fort Donelson; and Foote's personal life. Included also is a journal, 1845-1847, of Madison Rush kept on a cruise from New York to China and South America. Correspondents include James Armstrong, Thomas Biddle, Edward A. Blundell, James C. Dobbin, Samuel F. Du Pont, William A. Graham,

(continued on next card)

Foote, Andrew Hull, 1806-1863.

[illegible] ca. 1000 items.

Naval officer. Correspondence, letterbooks, ms. of "Africa and the American Flag" (1854), journals, logbooks, miscellaneous ships' records, and other papers, chiefly 1847-1857. Relates principally to Foote's command, 1849-1851, of the U.S.S. Perry off the west coast of Africa as part of a joint effort with Great Britain to suppress the slave trade; and to his command, 1856-1858, of the U.S.S. Portsmouth as part of the U.S. East India and China Seas Squadron, including material relating to the Battle of

(continued on next card)

Foote, Andrew Hull, 1806-1863. Papers, 1822-1890.
(card 3)

Francis H. Gregory, George F. Hastings, Duncan N. Ingraham, John Lenthall, William L. Marcy, Levin M. Powell, William Ballard Preston, George C. Read, Joseph J. Roberts, Joseph Smith, Isaac Toucey, John Tudor, and Daniel Webster.

Gift of Kate N. Foote, 1911-1917, and purchase, 1941-1979.

Microfilmed 1984.

LIBRARY OF CONGRESS
MANUSCRIPT DIVISION

The Papers of

ANDREW HULL FOOTE

The papers of Andrew Hull Foote, rear admiral, U.S. Navy, were given to the Library of Congress by Kate N. Foote in 1911 and 1917. Two small additions were acquired through purchase in 1941 and 1979.

A photograph has been transferred to the Prints and Photographs Division of the Library of Congress where it is identified as a part of these papers.

A microfilm edition of these papers on 5 reels is available from the Library's Photoduplication Service for purchase subject to the Copyright Law of the United State (Title 17, U.S.C.). This microfilm edition may also be requested on interlibrary loan through the Library's Loan Division. Ten reels may be requested at a time for a loan period of one month.

Linear feet of shelf space occupied: 3
Approximate number of items: 1,000

Biographical Note

1806, Sept. 12	Born, New Haven Conn.
1822	Attended West Point, June-Dec. Appointed acting midshipman in the U.S. Navy, Dec. 4.
1827	Experienced strong call to religion during Caribbean cruise
1828	Married Caroline Flagg (died, 1838)
1837-41	On cruises in Mediterranean and around globe
1842	Married Caroline Augusta Street
1842-43	In command, U.S. Naval Asylum, Philadelphia
1843	1st lieutenant on U.S.S. Cumberland, where he formed temperance society and made this ship the first temperance ship in the Navy. Was chiefly responsible for abolishing liquor ration in the U.S. Navy, which was finally accomplished in 1862
1949-51	Commanded U.S.S. Perry, a ship in the U.S. African Squadron, patrolling the coast of Africa in order to suppress the slave trade
1855	Member of Naval Efficiency Board
1856-58	Commanded U.S.S. Portsmouth, patrolling seas of China and the East Indies. Captured the four barrier forts below Canton, China, as punishment for attacks on the American flag
1861	In charge of Brooklyn Navy Yard
1861-62	In command of naval operations on upper Mississippi Took part in capture of Fort Henry and Fort Donelson Commissioned rear admiral
1863	Chief, Bureau of Equipment and Recruiting. Appointed to succeed Samuel F. Du Pont in command of Charleston Squadron
1863, June 26	Died, enroute to Charleston. Buried, New Haven, Conn.

Scope and Content Note

The papers of Andrew Hull Foote span the years 1822-90, with the bulk of the material concentrated between the years 1847 and 1857. The collection consists of correspondence, letterbooks, his manuscript of Africa and the American Flag (1854), journals and logbooks, watch bill and quarter station books, and a few miscellaneous items.

The Foote papers center around two extended cruises in which he commanded vessels in U.S. naval squadrons patrolling off the coast of Africa and in the seas of China and the East Indies. Between 1849 and 1851, Foote was commander of the U.S.S. Perry, a ship of the U.S. African Squadron, patrolling the western coast of Africa under terms of the 1842 treaty with Great Britain for the suppression of the slave trade. Letters in the correspondence series and in the three letterbooks covering the years 1849-52 are devoted almost exclusively to this operation. Most of the correspondence is exchanged with Francis H. Gregory, commander of the U.S. naval forces on the coast of Africa, Secretaries of the Navy William B. Preston and William A. Graham, and with George F. Hastings, senior officer of the southern division of the British Squadron. The letters illustrate the international issues raised by the detention of ships flying the American flag by British vessels and reveal the role of the commanders in resolving some of the incidents. The correspondence between Foote and his superiors relates to sailing orders and reports of ships boarded, captured, or under litigation in British admiralty courts; it also contains descriptions of ports visited, comments on conditions aboard ship, and an assessment by Foote of the effect of the patrols on the suppression of the slave trade. Among the ships most frequently discussed in the correspondence are the Navarro, the Volusia, and the Louisa Breton, all captured by the British, and the Martha and the Chatsworth, captured by the U.S.S. Perry. In fact, Foote's correspondence includes copies of several papers retrieved from the writing desk of Henry Merrill, captain of the Martha, which Merrill had thrown overboard.

The correspondence relating to the cruise of the Perry is supplemented by logbooks of the Perry and Foote's private journal covering the period Nov. 29, 1849, to Nov. 17, 1851. The journal, which depicts a more unofficial aspect of the cruise, contains references to Foote's health and state of mind, comments on his personal life, including his emphasis on religion, and descriptions of the pursuit of ships and/or other events mentioned in his letters and logbooks. At the top of many of the pages of the journal there are subject annotations in an unidentified handwriting. A gap exists in the journal for the period Oct. 2 to Dec. 9, 1850, and Foote later used pages at the end of this journal for drafts of letters and reports in 1856 during the cruise of the U.S.S. Portsmouth.

The second large segment of Foote's papers pertains to his tour of duty as commander of the U.S.S. Portsmouth during a three-year [illegible] (1856-58) as part of the U.S. East India and China Seas Squadron. Material relating [illegible] the correspondence series is a letterbook [illegible] 1856-58, and journal and logbook of the Portsmouth. Correspondence is primarily carried on with James Armstrong, commander of the squadron, and James G. Dobbin, Secretary of the Navy. Most of the letters between October 1856 and early 1857 relate to the capture of the four forts below Canton, known as the barrier forts, which Foote stormed with a party of 287 seamen and destroyed in retaliation for attacks on the American flag. Other letters describe the effect of the conflict between Great Britain and China on the lives of Americans living in China or engaged in commerce in the Far East. Correspondence also reflects the growing interest of the United States in developing trade in the Far East, particularly with Japan which only had the ports of Simoda and Hakodadi (now Hakodate) open to Americans. Several letters written in the spring of 1857 concern the Henrietta Maria, abandoned by her officers and men and claimed as salvage by men from the Portsmouth.

Many of the letters in the correspondence series exist as copies, some of which appear to have been part of a letterbook or other paginated units. At some point the paginated sequence of this part of the Foote papers was partially destroyed and has not been reconstructed here. Rather, these letters are now arranged in chronological order as far as possible.

Papers reflecting other phases of Foote's career are less numerous than those for the two cruises. From his early career, there is a letterbook (more properly a journal) of his cruise aboard the U.S.S. John Adams. Most of this volume is devoted to an explanation and justification of the part he and other officers played in an incident involving religious dissension between American Protestant missionaries and local Roman Catholics on the Sandwich Islands (Hawaii) in the fall of 1839. The journal contains copies of letters written to various individuals which were subsequently published in newspapers, thereby disclosing the circumstances of the affair to the public. In a December 18, 1839, entry, Foote compared the activities of the Roman Catholics and missionaries on the island of Tahiti with those occurring on the Sandwich Islands. The last pages of the journal contain entries reflecting on life and religion which he made on the day he set aside for fasting, usually monthly, during the year 1840. These entries generally conclude with a prayer. Documents relating to Foote's years at the Naval Asylum are limited to correspondence in the letterbook for 1842-46. There are also only a few items from his service as commander of naval operations on the upper Mississippi during the Civil War. One of these is a report of the attack on Fort Donelson, written Feb. 15, 1862.

The remaining volumes in the Foote papers consist of a journal of Madison Rush (who was later a lieutenant aboard the Perry with Foote), covering his cruise as acting master of the Columbus on a t[illegible] to China [illegible] a table of observations of wind and weather [illegible] aboard the Vandalia, Nov. 11, 18[illegible], 1860; watch bill and quarter stati[illegible] Portsmouth, the Cumberland, and the Delaware; a book of rules and regulations for the John Adams, and an autograph album of Augustus Foote, mainly covering the years 1863-66.

Correspondents in the Foote papers include James Armstrong, Thomas Biddle, Edward A. Blundell, James C. Dobbin, Samuel F. Du Pont, William A. Graham, Francis H. Gregory, George F. Hastings, Duncan N. Ingraham, John Lenthall, William L. Marcy, Levin M. Powell, William B. Preston, George Read, Joseph J. Roberts, Joseph Smith, Isaac Toucey, John Tudor, and Daniel Webster.

Description of Series

Container Nos.	Reel Nos.	Series
1-3	1-2	Correspondence, 1838-63. Letters received and copies of letters sent, with enclosures or attachments, and a few miscellaneous papers. Arranged chronologically.
4-5	2-3	Writings, 1854. Manuscript of Foote's book, Africa and the American Flag.
6-11	3	Letterbooks, 1839-58. Copies of letters received and sent. Arranged chronologically. Volume 6 is primarily a journal. Volume 8 is indexed.
12-23	3-5	Ships' Papers, 1835-60. Journals, logbooks, watch bill and quarter station books, a book of rules, and a table of weather observations. Arranged by type of material.
24-25	5	Miscellany, 1822-90. A ledger and an autograph album. Arranged by type of material.

*Shelf no. 18,988

Container List

Container Nos.	Reel Nos.	Contents
		CORRESPONDENCE, 1838-63
1	1	1838, Apr. 18-1850, Oct. 19
2	1	1850, Oct. 20-1856, Dec. 10
3	2	1856, Dec. 12-1863, June 8
		WRITINGS, 1854
4-5	2-3	Africa and the American Flag (1854) Manuscript
		LETTERBOOKS, 1839-58
6	3	1839, Nov. 5-1842, Jan. 1 (mainly a journal)
7	3	1842, Nov. 30-1846, Oct. 20
8	3	1849, Oct. 12-1852, May 9 (indexed)
9	3	1850, Jan. 7-Nov. 29
10	3	1850, Oct. 20-1851, Dec. 26
11	3	1856, Feb. 16-1858, July 24
		SHIPS' PAPERS, 1835-60
12	3	Watch bill and quarter station books U.S.S. Delaware, 1835
13	4	U.S.S. Cumberland, 1843-45
14	4	Journals, U.S.S. Perry Private journal, 1849, Nov. 27-1851, Nov. 17 (includes drafts of papers from voyage of U.S.S. Portsmouth, 1856)
15	4	Journal and logbooks 1849, Nov. 17-1850, Nov. 7

Container Nos.	Reel Nos.	Contents
		.APERS, 1835-60
16	4	Jou[illegible] Perry Journal and logbooks 1850, Nov. 8-1851, Sept. 14
17	4	1851, Sept. 15-Dec. 23
18	4	Orders and watch station book, U.S.S. Portsmouth, 1856
19	4	Journal and logbook, U.S.S. Portsmouth, 1856, Apr. 22-1858, June 17
20	5	Abstract log, U.S.S. Portsmouth, 1856, May 4-1858, June 13
21	5	Rules on board, U.S.S. John Adams, Thomas W. Wyman, commander, 1837
22	5	Journal of Madison Rush, U.S.S. Columbus, 1845, Apr. 25-1847, Aug. 22
23	5	Observations of wind and weather, U.S.S. Vandalia, 1857, Nov. 11-1860, Jan. 1
		MISCELLANY, 1822-90
24	5	Ledger, 1822-28
25	5	Autograph album of Augustus Foote, 1863-90

Prepared for microfilming by: Audrey Walker
Date completed: June 1984

CONTAINER 1

THRU

CONTAINER 2

Collection THE PAPERS OF

ANDREW HULL FOOTE

~~Series and/or~~ Container 1

Shelf/Accession No.

86-38 (rev. 7/82)

New York April 18th 1838

Dear J. G. Percival

Dear Sir

I have a favour to ask which I feel confident you will not refuse me if obtained, under the circumstance I am placed— I am strongly attached by [redacted] with whom I have resided for the last two years to write something in their albums, as we separate to different boarding houses the first of May— One of them is Mary H Taylor the daughter and only child of Alderman Taylor of the 2d Ward. The other is Mary Jane Burrows the only child of the Lady with whom I Board. They are each about 20 years both well Educated and have improved their minds in reading. music &c. If you will furnish me with a few lines of Poetry addressed one to Mary H T. and the other to Mary Jane B you will confer on me a great favour, and very much oblige your old friend. —

Yours cordially

J. L Cross, 234 Pearl St

N.B. Excuse me for not knowing how you were and how you are occupied these days. &c, I should like to hear from you as soon as is convenient—

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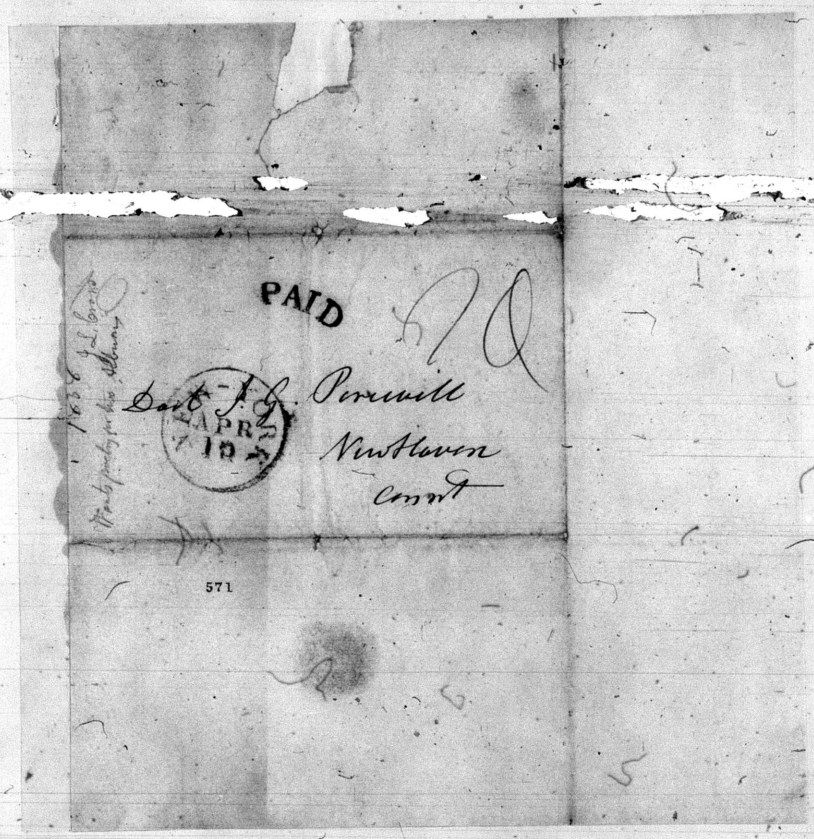
PAID
Dan'l G. Percivill
Newtown
Court
APR
10
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Copy of a Letter from C G Tilton Commanding U.S. Brig Perry at Cape Town Cape of Good Hope to the Secy of the Navy

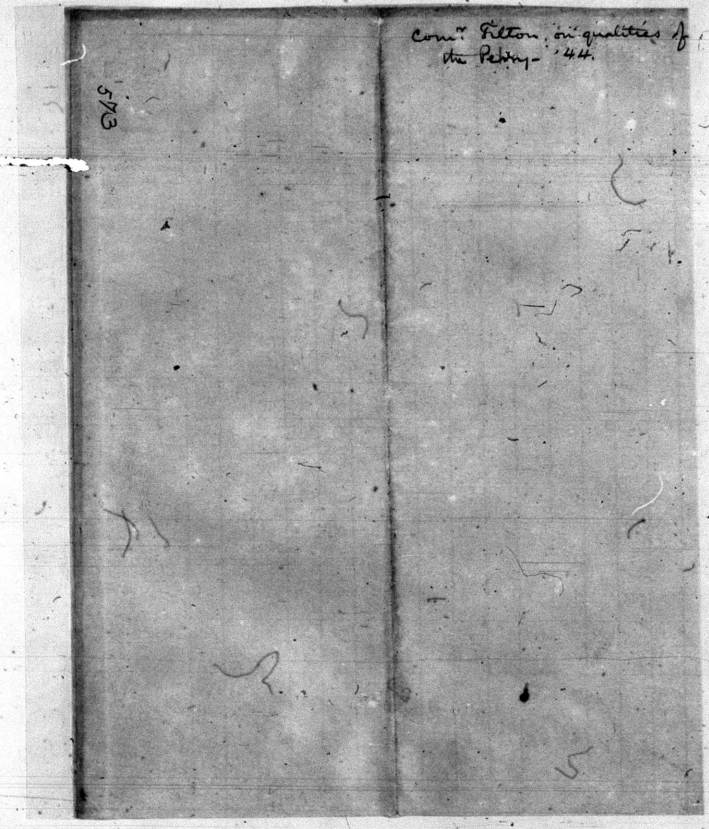
March 18th 1844

Sir

The U.S. Brig Perry being a new vessel I have thought some information with regard to her qualities would be acceptable to the Dept. In the usual variety of weather incident to a passage [illegible] times [illegible] all sail & at others [illegible] to Storm sails alone, We were becalmed & in sight of the land near Rio five days after our departure with an occasional light air, during which time I was inclined to form an unfavorable impression of the stability of the vessel —

As we proceeded on our course Excellent opportunities occurred to test her in this respect and I know of no fault that she possesses

We crossed the Merid" of Greenwich in lat 33° sixteen days after leaving the land in the vicinity of Rio, tho' several days becalmed & part of the time with adverse winds, Here we met a strong southerly wind perpendicular to our course which under topgallt sails, Courses & Jib carried us 237 miles the first twenty four hours The wind afterwards hauling ahead obliging us to brace up, our speed was increased to 10 knots per hour for many hours, sharp up with a single reef in the topsails, whole courses & jib, topgallt sails furled — a considerable sea running, the decks most of the time dry & the Helm amidships afterwards under the same sail, logged 10.6 on a wind, when she was reduced owing to a high sea and squally appearances, under the


Comm. Felton, on qualities of
the Pekoe - '44.
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June 12, 1844

Section 6th

Instructions for the Senior Officer of Her Majesty's Ships and Vessels on the West Coast of Africa, with respect to the Treaty with the United States of America, signed at Washington on the 9th of August 1842.—

By the Commissioner for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c. &c.

We transmit to you herewith an extract from the Preamble of a Treaty between Her Majesty and the United States of America, dated the 9th of August 1842, and a Copy of Article 8th thereof by which it is stipulated, that the Contracting Parties shall each maintain on the Coast of Africa a Naval Force of not less than Eighty guns, for the purpose of enforcing, seperately and respectively, the laws, rights and obligations of each Country for the suppression of Slave Trade, that the two Squadrons are to be independent of each other but that the Officers in Command shall receive such orders from their respective Governments as shall enable them to act in concert, and co-operate with each other; and we desire, that you will take every opportunity, and use your utmost efforts to carry out the objects of the Treaty as there described, remembering that it is for this purpose above all others, that Her Majesty's Ships upon the West Coast of Africa are placed under your command.

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With this view, you are to take the earliest opportunity of putting yourself in Communication with the Senior Officer of the United States Squadron, for the purpose of coming to such an understanding as may best conduce to the end which your respective Governments have in view.

It will be the duty of yourself and of the Commanding Officers of Her Majesty's Ships under your orders, upon all occasions to communicate to the Officers of the United States any information which may be of service in detecting the frauds of the Slave Traders, and especially to give notice of any vessel supposed to belong to the United States, and suspected of being engaged in the Slave Trade, which may be met with or heard of in the course of a Cruise: and you will give directions to the Officers under your orders to pay strict attention to this duty.

The occasions upon which it may be convenient for a vessel under your orders to cruise in company with a vessel of the United States will depend upon circumstances which can best be judged of on the spot, and must be left to your own decision, or to that of the Commanding Officers of vessels under your orders when the latter are separated from a Senior Officer, and provided that the adoption of such a course will not interfere with their instructions from you. The system of joint cruising should be adopted, whenever in the judgement of the Officers of both Nations, it can be done with advantage: and under any such arrangement the Commanding Officers of Her Majesty's Ships on the African Station will continue to be guided by the instructions under which they act when cruising singly, so far as relates to the visit, search, and detention of vessels belonging to Nations with whom Great Britain has concluded Treaties for the suppression of Slave Trade and of vessels not entitled to claim the protection of the flag of any Nation.

But in the event of meeting with a vessel believed to be British, and suspected of being engaged in the Slave Trade, the Commander of the British Cruiser will invite the Commander of the Cruiser of the United States to join him in visiting her. So also in the case of a vessel hoisting British Colors, and suspected of having no right to carry them. If, on the other hand, a vessel should appear under the Colors of the United States, and if the British Commander should not have occasion to believe that she is other than a vessel of the United States, he will carefully abstain from all interference with her, unless his co-operation shall be requested by the Commander of the United States Cruiser.

It is only when the British Commander shall have reason to believe that the United States Flag, is dishonestly used, and that the vessel is engaged in the Slave Trade, and either is British or belongs to a Nation which has given to Great Britain the right to detain her vessels when so engaged, that she is in co-operation

with

with the Officers of the United States, to cause her to be visited and dealt with according to her Nationality.

In carrying this part of her instructions into execution she will do right to leave the Commander of the United States Cruiser to take the first step of visiting the vessel and ascertaining whether she is entitled to bear the flag of his Country: provided that in so doing, no such delay is incurred as may enable her to escape altogether unvisited.

The Commanding Officers of Her Majesty's Vessels on the African Station are to bear in mind, that it is no part of their duty to capture, or visit, or in any way to interfere with, Vessels of the United States, whether those vessels shall have Slaves on board or not: and you will give strict instructions to the Commanding Officers of the Vessels under your Orders to abstain therefrom: at the same time you will remember, that the Government of the United States are far from claiming, that the Flag of the Union should give immunity to those who have no right to bear it: and that, most assuredly Great Britain never will allow Vessels of other Nations to escape visit and examination, by merely hoisting an United States Flag, or the Flag of any other Nation which has not granted to Great Britain the Right of Search, accordingly, when from the intelligence which the Officer Commanding Her Majesty's Cruiser may have received

received, or from the manoeuvres of the vessel, or other sufficient cause, he may have occasion to believe, that the vessel does not belong to the Nation indicated by her colors, he is, if the State of the weather will admit of it, to go ahead of the suspected vessel, after communicating his intention by hailing, and to drop a boat on board of her to ascertain her Nationality, without causing her detention, in the event of her really proving to be a vessel of the Nation, the colors of which she has displayed, and, therefore, one which he is not authorized to search: but should the strength of the wind, or other circumstances, render such a mode of visiting the Stranger impracticable, he is to require the suspected vessel to be brought to, in order that her Nationality may be ascertained, and he will be justified in enforcing it, if necessary; understanding always that he is not to resort to any coercive measure, until every other shall have failed: and the Officer who boards the Stranger is to be instructed, merely in the first instance to satisfy himself by the vessels papers or other proof of her Nationality; and if she prove really to be a vessel of the Nation designated by her colors, and one which he is not authorized to search, he is to lose no time in quitting her, offering to note on the papers of the vessel the cause of his having suspected her Nationality, as well as the number of minutes the vessel was detained (if detained at all) for the object in question: such notation to be signed by the boarding officer specifying his rank and the name

name of Her Majesty's Cruiser, and whether the Commander of the visited Vessel consents to such notation on the vessels papers or not (and it is not to be done without his consent) all the said particulars are to be immediately inserted in the log-book of Her Majesty's Cruiser: and a full and complete statement of the circumstance is to be sent, addressed to the Secretary of the Admiralty, by the first opportunity direct to England, and also a similar statement to you as the Senior Officer on the Station, to be forwarded by you to our Secretary, accompanied by any remarks you may have reason to make thereon.

Of course in cases where the suspicion of the Commander turns out to be well founded, and the Vessel proves notwithstanding her colors, not to belong to the Nation designated by those Colors, the Commander of Her Majesty's Cruiser will deal with her as he would have been authorized and required to do, had she not hoisted a false flag.

Given under our hands this 12th day of June 1844.

(Signed) G. Cockburn.
(Signed) W. H. Gage.

By Command of their Lordships
(Signed) Sidney Herbert.

British Docs
relating to African Cruise.

U.S. Brig Perry
Norfolk Sep 18 1845

Sir

As some change would improve the already good qualities of this vessel, I feel it incumbent on me at the end of this her first cruise to mention somewhat in detail what seem to me her peculiarities and particularly her deficiencies

Before I joined her two guns had been thrown overboard, but she is still crank, and it is my opinion that she is much over sparred

For this general reason, and for particular reasons which I will mention I would recommend the following alterations

The lower yards to be shortened each 5 feet & slightly reduced in diameter. These yards are so long as to create great inconvenience by interfering when counterbraced.

The present length is not wanted on the courses the sails overlapping each other from the fore topmast staysail to the main trysail so much as to becalm a portion of each even when close hauled

The close reefed topsails are quite too large for the vessel, while they cannot be set properly, not having sufficient drop to allow the sheets to come home

When I should have carried close reefed topsails on the wind, I have been forced to furl the fore and keep the main either double reefed, as the sheets not hauling home when close reefed makes it impossible to carry them well up the wind to force. This may be remedied by shifting the close reef farther

-ups, but as this increases the size, already too large, it is another reason for decreasing the length of the yards. The topsail & topgall^t yards should be decreased in proportion to the lower yards, leaving the royal of the present length.

I would recommend that the gaffs of the fore & main trysails be shortened each 5 feet, the heads of these sails are so large as to make them very difficult to manage, and I have found them not merely inconvenient but dangerous. With smaller heads they would be commanded without trouble, and in squally weather, (sailing near the wind), enable her safely to luff & gain to windward -

I would recommend that one ton be added to her ballast, with these alterations. I would recommend that her original armament of 10 guns be retained. The boarding of the head has many times been washed away, and it is commonly the case in small vessels. In the Grampus after repairing it several times I replaced it with a light grating which was never injured by the sea tho' made of soft pine -

The iron davits are injudiciously formed, have been broken many times & have occasioned the loss of several boats. They were made of flat iron about 1¼ inches fore & aft by the 3 inches athwartships. In the Grampus a similar set of Davits gave me much trouble by bending & breaking, but being replaced by a set of round iron, they never failed whilst I was in the vessel. They should have Chain guys -

There are two boats wanting, she was one short when I joined her, & one was lost on her passage around Cape Horn, & as it is very necessary that boats should be made to stow perfectly in vessels of this class, I take the liberty of recommending in place of the gig generally provided, the use of the boats called Vineyard boats, or Cape Cod surf boats, which are as much admired for their safety as for their general appearance, and easy rapid motion while pulling or sailing. The use of this boat would combine many advantages, being generally used as a gig, she would be prepared for emergencies whether at sea, crossing bars, or landing through the surf. Of two gun brigs at Rio, the British Brig Grecian had the quarter davits far aft, and the other the Sardinian Brig Solento, in the waist, the first was often forced to get her boats in, the other never -

This vessel's davits are something between these two extremes but cannot be made high enough without impairing the use of the main topsail. I would recommend that they be placed in the waist, the after davit abreast the mainmast, the former just abaft the foresail -

Having chain topsail ties & sheets in this vessel I have found them inferior to green hide rope, tho' better than Hemp; They fail in the nips, and do not run so well as the hide, besides being more expensive & destroying the sheave holes. In my passage out in the Merchant Ship Montauk I observed that the fore & main sheets were of tarred Manilla rope, which worked exceedingly well, the tar filling the interstices prevents in a great measure the excessive swelling & shrinking, which is an objection to this otherwise valuable cordage -   I have believed that the practice of making signal halliards, lead lines and

Alterations rec? for the Perry, by Com^r Paine 1848

and log lines of untarred line is a mistake,
I have tried it with the log line by rubbing
the tar in, and it proved stronger and much
more durable, and I am confident that a moderate
percentage of tar would prevent these lines from
rotting in store, I have also tried tarred rope
for lead lines & found common ratling stuff to
do very well, & dry much sooner than the white
line — Of the sails of this vessel one suit, exclu-
ding the only topsail, are just worn out
One set of courses, topsails, topgallant sails, royals
& head sails, is perhaps one quarter worn —

The Standing rigging is good, but the lower
rigging was originally too small & I think
it should be renewed, This rigging is set up
around thimbles, which are inferior to the dead
eyes with lanyards, as I have found when
obliged to set it up at Sea — Notwithstanding
the deficiencies mentioned I consider the Perry
a first rate vessel of her class, sailing very
well, being very dry, carrying sail (when the
upper spars are down) with great ease and
safety & rarely taking a Sea on board —

(Sgd) J. S. Paine
Commander

To Com. Chas Morris
Chf Bur of Equipt &c

Ship Paul Jones from Boston towards China 1845

M. D.	No. of days out	Lat. by Obs	Lat. by D.R.	Long. by Chro	Long. by D.R.	Dist. made good	Dist. per Log	Course	Winds
[illegible] 3	1	42 . 32	" "	67 . 49	" "	137	133	N. 87 [illegible]	[illegible]est to W.
4	2	43 . 20	" "	65 . 58	" "	132	130	N. 84	[illegible] West to E.S.E.
5	3	40 . 57	" "	64 . 40	" "	95	79	S. 58	[illegible] East to South
6	4	40 . 50	" "	59 . 56	" "	211	200	East	[illegible] from the Southward
7	5	40 . 24	" "	57 . 18	" "	124	110	S. 78 [illegible]	from S.S.E. to S.W.
8	6	38 . 49	" "	56 . 33	" "	121	114	. 14	[illegible] S.W. to E.S.E.
9	7	37 . 46	" "	56 . 40	" "	62	68	. 5	E.S.E.
10	8	37 . 20	" "	56 . 40	" "	26	31	South	from East to E.S.E.
11	9	35 . 50	" "	54 . 45	" "	133	147	S. 40	E.N.E. & East
12	10	33 . 31	" "	52 . 35	" "	183	186	. 36	East
13	11	30 . 25	" "	51 . 32	" "	198	200	. 16	E.N.E.
14	12	27 . 32	" "	49 . 38	" "	220	216	. 37	East
15	13	24 . 46	" "	47 . 40	" "	200	205	. 34	S.
16	14	22 . 18	" "	45 . 30	" "	192	190	. 39	
17	15	21 . 19	" "	44 . 35	" "	79	80	. 4[illegible]	E.S.E.
18	16	20 . 57	" "	44 . 04	" "	37	40	. 5	baffling
19	17	20 . 31	" "	43 . 36	" "	46	41	"	light airs & calms
20	18	20 . 22	" "	42 . 34	" "	58	50	[illegible]	light airs from S.E.
21	19	18 . 16	" "	42 . 35	" "	96	95	[illegible]	E.N.E. very light
22	20	16 . 29	" "	41 . 50	" "	145	141	S. [illegible]	East
23	21	14 . 28	" "	40 . 50	" "	135	140	" [illegible]	S.
24	22	13 . 13	" "	40 . 10	" "	85	149	. 28	Variable
25	23	11 . 31	" "	39 . 56	" "	120	126	. 32	East
26	24	9 . 37	" "	37 . 47	" "	145	150	. 38	E.N.E.
27	25	8 . 39	" "	36 . 18	" "	100	125	. 52	from N.E. to S.E.
28	26	8 . 50	" "	35 . 20	" "	60	70	N. 7[illegible]	light, baffling and calms
29	27	7 . 29	" "	34 . 10	" "	107	109	S. 41	from East
30	28	7 . 30	" "	33 . 16	" "	54	86	East	S.E.
31	29	6 . 50	" "	32 . 40	" "	54	79	. 4[illegible]	baffling
Nov 1	30	" "	6 . 00	" "	31 . 45	"	75	. 4[illegible]	S.
2	31	" "	4 . 33	" "	30 . 31	"	100	[illegible]	S.
3	32	5 . 05	" "	29 . 10	" "	81	109	[illegible]	S.
4	33	4 . [illegible]		29 . 15		30	39	S. [illegible]	[illegible]
5	34	[illegible]	" "	29 . 00	" "	60	94	N. 7[illegible]	from S.E. to S.W.
6	35	2 . 38	" "	29 . 45	" "	85	120	. 29	S.
7	36	0 . 07 Sth	" "	30 . 50	" "	165	170	. 19	S.E.
8	37	2 . 28	" "	31 . 09	" "	146	156	. 15	S.
9	38	5 . 01	" "	32 . 15	" "	163	170	. 18	S.
10	39	7 . 56	" "	32 . 40	" "	180	189	. 11	S.b.E.
11	40	11 . 35	" "	32 . 15	" "	223	218	. 8[illegible]	E.S.E.
12	41	14 . 11	" "	31 . 31	" "	161	160	. 15	S.
13	42	16 . 29	" "	30 . 48	" "	144	144	. 1[illegible]	Variable
14	43	19 . 05	" "	28 . 35	" "	205	206	. 1[illegible]	N.E.
15	44	22 . 07	" "	26 . 24	" "	219	216	. 3[illegible]	E.N.E.
16	45	24 . 48	" "	24 . 20	" "	204	210	. 2[illegible]	E.b.S.
17	46	26 . 55	" "	23 . 06	" "	176	180	. 4[illegible]	E.N.E.
18	47	27 . 55	" "	20 . 42	" "	95	90	. 58	N.E.
19	48	28 . 19	" "	19 . 01	" "	94	91	. 25	N.E.
20	49	" "	29 . 39	" "	17 . 10	"	70	Variable	E.N.E. & N.E.
21	50	32 . 10	" "	18 . 33	" "	154	156	S. 11	E.S.E.
22	51	34 . 04	" "	16 . 18	" "	168	170	. 39	East, very light
23	52	" "	34 . 50	" "	13 . 42	"	137	" 70	N.N.E.
24	53	" "	35 . 16	" "	9 . 55	"	186	[illegible]	N.W.
25	54	34 . 33	" "	6 . 50	" "	151	170	[illegible]	from N.W. to S.E.
26	55	33 . 29	" "	5 . 20	" "	93	129	[illegible]	from S.E. to N.W.
27	56	36 . 11	" "	1 . 06	" "	210	210	[illegible]	N.W.
28	57	36 . 41	" "	2 . 37	" "	216	230	[illegible]	N.
29	58	37 . 14	" "	7 . 57	" "	220	235	[illegible]	W.S.W.
30	59	37 . 45	" "	12 . 31	" "	220	234	[illegible]	S.W.
[illegible] 1	60	" "	38 . 18	" "	15 . 39	"	168	[illegible]	S.
2	61	39 . 45	" "	19 . 31	" "	200	206	[illegible]	from S.W. to N.W.
3	62	39 . 39	" "	25 . 24	" "	169	159	[illegible]	from N.W. to West
4	63	39 . 46	" "	28 . 18	" "	134	130	[illegible]	from S.W. to N.W.
5	64	" "	40 . 55	" "	32 . 41	"	215	[illegible]	N.E.
6	65	40 . 59	" "	36 . 41	" "	181	178	[illegible]	N.W.
7	66	" "	41 . 00	" "	39 . 34	"	130	[illegible]	from N.W. to N.N.E.
8	67	41 . 33	" "	44 . 20	" "	218	212	[illegible]	from N.N.E. to S.W.
9	68	42 . 02	" "	49 . 03	" "	215	209	. 81	from South to N.W.
10	69	41 . 42	" "	51 . 38	" "	116	116	N. 78	from the N.W.
11	70	41 . 02	" "	53 . 47	" "	105	106	. 67	Baffling [illegible]

General Remarks on weather, Vessels Spoken &c

going 10½
Baffling winds with rain, at 8 A.M brisk breeze from W.S.W fine wea[illegible] going 11½ last
Fresh breezes from the westward with gloomy weather, all drawing sail set, at midnight took in [illegible] top gallant studding sails
Brisk breezes and cloudy weather Ship rolling and labouring very heavy
Moderate breezes and hazy weather all drawing sail set
Brisk breezes and cloudy weather with light mists of rain, at 6 A.M clear, all drawing sail set
Brisk breezes and fine weather all drawing sail set
Brisk breezes and gloomy weather, at midnight ship going 11½ blowing fresh from [illegible]
Moderate winds with pleasant weather all drawing sails set
Brisk breezes from west fine weather, At 2 A.M wind S.W, very moderate
Very light airs, clear weather, at midnight almost calm, close hauled on the starboard [illegible]
Baffling winds and cloudy weather
Very light winds from the S.S.E
Light easterly winds & fine weather, prevailing winds for the last three days E.S.E.
Moderate breezes and fine weather, close hauled
Moderate & cloudy, "no change"
Do. Do. Do.
Moderate breezes and fine weather all drawing sail set close hauled
Moderate breezes and cloudy throughout the night, Squally, at noon fine weather
Moderate trades and fine weather, all drawing sail set by the wind
Moderate trades and fine weather; at 10 A.M set studdingsails fore & aft wind very light [illegible] south
Moderate trades and cloudy weather
Very light wind from S.S.W
Light airs from S.W throughout the night very squally & baffling at 6 A.M moderate breeze from W.S.W
Light breezes & squally weather wind from S.W to W.N.W.
Moderate breeze & fine weather; throughout the night very squally, with heavy showers of rain
Moderate breeze and cloudy, at 10 30 P.M made Sandalwood dist about 4 miles
Light wind from N.W. at midnight very squally, at 9 A.M light airs, clear weather
Light baffling wind & hazy weather at 1 A.M the East end of Ombay bore West, calm, at 3 a breeze
Moderate breeze and fine weather, experienced a strong N. Easterly current
Light variable winds & squally at 6 P.M [illegible] W.N.W, at 6 A.M bore up for the Straits of Manipa wind north [illegible]
Moderate breezes and fine weather, at 7 A.M west end of Bouro bore North, throughout the [illegible] fine working breeze
Moderate breezes & cloudy throughout the night baffling at noon [illegible] N.b.W. [illegible] [illegible] bearing N.b. E ½ E
Light breezes & squally, at 6 P.M [illegible] [illegible] at midnight [illegible] peak [illegible] 6 [illegible]
Dampier Straits moderate breeze & fine weather at noon very squally; during the night [illegible] on Larboard Tack
Light baffling airs & squally at 6 P.M clear of the passage almost calm an English ship in company
Light easterly airs & squally, at 1 A.M spoke the Mary Ann of Glasgow out 129 days [illegible] Liverpool
Pacific Ocean baffling winds & fine weather
Very light wind & sultry weather at midnight calm experienced a strong easterly current
Calm Calm Calm. experienced 12 miles easterly current
Very light fanning airs from the eastward sultry weather
Light breezes from the N.E, sultry weather, experienced a strong current setting to the eastward
Moderate trades and sultry weather; from 4 A.M until noon baffling & calm
Calm at 6 P.M a moderate breeze from the northward all drawing sail set by the wind
Moderate breezes from the N.E. sultry weather, at 8 A.M almost calm.
Almost **Calm.** at 6 A.M a brisk trade from N.E.
Moderate trades & fine weather, all drawing sail set by the wind
Moderate trades & squally weather with a head sea
Light baffling winds from N.E to S.S.W with a heavy swell from the northward. Ship labouring very heavy
wind N.W.
Calm at 4 P.M a light breeze from S.W, throughout the night wind from S.S.E. to N.W. at noon Calm
Calm at 8 P.M Moderate breeze from S.E. at 6 a.m [illegible] passage bore W.N.W dist 6 miles at 10
Light airs from the N.W, a new order of things at this season of the year, at 4 P.M fresh wind from N.E. cloudy
Strong breezes & cloudy weather. at 10 a.m took a Pilot and at 2 a.m. [illegible] [illegible] in Macao Roads

96
2
84
5
91

Ship Paul Jones from Boston towards China 1845

Dates	Days from	Lat by Obs	Lat by D.R.	Long by Obs	Long by D.R.	Distance run	Dist per Log	Course	Winds
Feb 12	71	40 - 32	" "	56 - 50	" "	140	126	S.E. by E.	Variable
13	72	40 " 29	" "	62 - 11	" "	346	351	East	W.S.W.
14	73	40 " 32	" "	66 - 52	" "	342	317	East	S.
15	74	41 - 01	" "	70 - 05	" "	195	210	N.E. by E.	From W.S.W. to S.W.
16	75	41 " 16	" "	75 - 34	" "	321	325	E. by N.	From S.W. to W.S.W.
17	76	41 " 30	" "	80 - 30	" "	313	316	East	W.S.W. to S.W.
18	77	41 - 14	" "	85 " 36	" "	330	340	"	From S.W. to W.S.W.
19	78	39 - 56	" "	89 - 19	" "	206	218	E.S.E.	West
20	79	38 " 44	" "	92 - 33	" "	209	203	S.E.	From W.S.W. to W.
21	80	35 - 18	" "	93 - 30	" "	164	98	S.E. by E.	From S.W. to S.E.
22	81	33 - 45	" "	94 - 43	" "	99	100	S.E. by E.	Baffling & Variable
23	82	31 " 17	" "	93 - 25	" "	152	159	S.E. by E.	From S.W. to S.S.E.
24	83	29 - 45	" "	93 " 38	" "	160	165	S.E. by E.	S.
25	84	26 - 16	" "	94 - 51	" "	159	170	S.E.	East
26	85	24 - 18	" "	96 - 22	" "	136	140	E.S.E.	From East to S.E. by E.
27	86	22 - 07	" "	98 - 14	" "	159	161	E. by S.	E. by S.
28	87	20 - 20	" "	100 - 45	" "	131	131	E. by S.	E. by S.
29	88	18 - 54	" "	103 - 24	" "	137	136	E.S.E.	S.
30	89	17 - 35	" "	106 - 36	" "	170	191	E. by S.	E. by S.
31 "	90	16 - 19	" "	107 - 21	" "	176	165	E.S.E.	From E. by S. to East
March 1st	91	14 - 23	" "	112 - 01	" "	195	190	E. by S.	E. by S.
2	92	13 - 17	" "	113 - 23	" "	105	107	E. by S.	W.N.W.
3	93	12 - 27	" "	116 " 42	" "	148	140	S.E.	Variable
4	94	11 - 23	" "	118 - 10	" "	110	120	S.E.	Variable
5	95	" "	10 - 20	" "	119 - 20	102	102	S.E.	From S.E. by E. to E.
6	96	9 - 37	" "	122 - 02	" "	184	230	S.E.	E. by S.
7	97	8 - 30	" "	124 - 25	" "	152	141	S.E.	S.E. by S.
8	98	7 - 09	" "	125 - 19	" "	115	100	S.E.	Variable
9	99	4 - 29	" "	126 " 00	" "	163	149	S.E.	S.E. by E.
10	100	3 - 53	" "	126 - 18	" "	42	104	S.E.	S.E. by E.
11	101	3 - 06	" "	127 - 38	" "	85	82	S.E.	Strong Winds
12	102	2 - 10	" "	128 " 14	" "	70	102	S.E.	S.E. by E.
13	103	" " 22	" "	130 " 20	" "	132	137	S.E.	S.E. by E.
14	104	" 46	" "	130 - 59	" "	34	47	S.E.	Baffling
15	105	" 31 "	" "	131 - 23	" "	39	37	S.E.	S.
16	106	" 20 "	" "	131 - 51	" "	21	20	S.E.	S.
17	107	1 - 20 "	" "	132 - 00	" "	132	109	S.E.	"
18	108	1 - 24 "	" "	134 - 39	" "	100	97	East	"
19	109	1 - 31	" "	134 - 16	" "	19	"	"	Calm.
20	110	2 - 01	" "	134 - 37	" "	40	30	South	Almost Calm
21	111	3 - 46	" "	134 - 23	" "	98	104	S.E.	S.E.
22	112	5 - 08	" "	134 - 30	" "	88	90	S.E. by E.	Calm. from
23	113	6 - 55	" "	132 - 45	" "	145	146	E.	E. by S. to S.E.
24	114	9 - 05	" "	132 - 38	" "	125	156	E.	Variable from S.E.
25	115	10 - 40	" "	129 - 58	" "	231	128	N.E.	S.E. & E. to S.E.
26	116	12 - 18	" "	127 - 16	" "	205	240	E.	S.E.
27	118	14 - 32	" "	126 - 17	" "	203	216	E.	S.E. by E.
28	119	13 - 36	" "	124 - 47	" "	169	166	E.	Variable
29	120	13 - 20	" "	123 - 30	" "	81	66	E.	Baffling
30	121	14 - 10	" "	121 - 47	" "	111	87	E.	Calm. Baffling
31	122	21 - 01	" "	117 - 16	" "	256	280	E.	S.E.
April 1st	123					252	269		S.E.

General Remarks on weather, Vessels Spoken &c &c

for [illegible]
Wind Westerly, very light at noon, passed Boston Light, – Ship moving rather heavy, drawing 18 ft 2 in
moderate breezes from the southward Ship going 8 knots last passage would have been going 9 with this breeze
Moderate from S.E. at midnight fresh breezes and gloomy shortened sail, at 5 A.M. wore Ship to the eastward
Fresh breezes from the southward with an ugly cross sea, Ship pitching very heavy, under [illegible] & courses
Light baffling airs from S.S.E. & S.W. a heavy swell rolling from the eastward; a very poor chance
Light baffling winds from the southward, at 4 P.M. tacked to the S.W., middle & latter part fresh breezes a high head sea
Blowing heavy from E.S.E. with a high head sea, from S.W. under close reef Mn topsail & reefd Fr sail, washed away all of the head rails
under close reefs, at 6 P.M. more moderate made sail, through the night light baffling airs from E.S.E.
Calm with showers of rain at 8 P.M. breeze from E.N.E., very squally at 6 A.M. strong breezes and fine weather
Fresh breezes and fine weather at 5 P.M. saw a Ship on larboard quarter standing to N.E.
Fresh breezes and squally, Ship moving very heavy, clean [illegible] full 8 1/2 & 9 knots [illegible] 10/8 10
Fresh breezes and fine weather; yesterday afternoon trimmed Ship more by the stern, find she moves more lightly
Brisk breezes and squally, at 10 A.M. moderate fine weather, all necessary sail set by the wind
Brisk breezes with passing clouds, all necessary sail set by the wind, at 9 A.M. very light baffling airs
Light baffling airs and fine weather at midnight Calm, heavy swell rolling from N.E.
Calm, at 8 P.M. a light breeze from the eastward, throughout the night light fanning airs
Light fanning airs from N.E. at 8 P.M. passed a Brig standing to the northward at 10 calm, at noon Calm
Calm at midnight very light breeze from S.E. at noon a strange sail in sight standing to the N.E.
Light breeze from S.E. at 4 P.M. calm. at 8 do light breezes from E.S.E. all drawing sail by the wind
Moderate breezes from E.S.E. & fine weather all drawing sail set by the wind, at 10 P.M. wind East.
Moderate breezes & fine weather from East all drawing sail set by the wind at noon squally [illegible]
Moderate breeze and squally at 2 P.M. tacked to the N.E., at 5 to the S.W. at 10 A.M. to the [illegible] at 4 to the S.W.
Light breezes from the Eastward at 1 P.M. tacked to the southward, wind East all drawing sail set by the wind
Moderate breezes from the Eastward and fine weather all drawing sail set by the wind
Light breezes and fine weather wind E by N. at 6 P.M. N.E., at 10 do East, at 8 A.M. S.E. tacked to the eastward
Very light breeze and sultry weather all necessary sail set by the wind, at 8 A.M. tacked to the eastward,
Light baffling airs from the N.E. at 4 wind East, very light, after midnight squally with showers of rain
Baffling and squally with showers of rain experienced 1/2 Mr Westerly current
Squally baffling weather, with showers of rain no current
Heavy showers of rain with light baffling wind "
Baffling squally weather, made and shortened sail as occasion required
Wind S.W. squally throughout the night heavy showers of rain with frequent shifts of wind at noon calm
Calm sultry weather, at 8 P.M. a light breeze from the N.E. at 11 A.M. calm
Calm sultry weather, at 4 P.M. light breeze from N.E., at 10 S.W. tacked to the [illegible] at midnight tacked to the S.E.
Light breeze from the N.E. at 5 P.M. squally and baffling tacked Ship frequently during the night
Moderate breeze from S.E. sultry weather, at 5 P.M. wind S.E. all drawing sail set by the wind
Moderate winds and squally weather, wind very scant for the season
Moderate and squally throughout the night at 5 A.M. more regular, at noon a strange sail in sight on the starboard
Moderate breeze and fine weather, at 3 P.M. came up with and passed an English Brig standing to the N.W.
Brisk trades and fine weather, at 4 A.M. set studding sails fore & aft, at 6 going 10 knots, [illegible] wind
Moderate trades & sultry weather, at 4 A.M. wind very light at 10 set lower studding sail
Very light trades & sultry weather, at midnight squally with variable wind
Squally baffling weather, at 8 P.M. steady breeze from N.E.
Steady trades from N.Ed and fine weather all drawing sail set
Moderate trades from E by N and fine weather, all drawing sail set to the best advantage
Moderate trades from E.N.E. and fine weather, at 8 A.M. light winds and do weather, all drawing sail set
Very light wind from the northward and fine weather all necessary sail set
Light baffling airs and cloudy weather, at 4 P.M. sent up a new Mn top Gt mast, at noon tacked to the S.W.
Light baffling winds from the southward, at 8 A.M. steady breezes from the S.E. & cloudy
Moderate breezes from the S.Ed with fine weather all drawing sail set by the wind
Light breezes from the S.Ed with fine weather all drawing sail set by the wind
Moderate breezes and cloudy weather, at 6 A.M. heavy showers of rain
Moderate winds and clear weather at 8 A.M. cloudy
Moderate with rain, wind N.W. at 8 P.M. shifted suddenly into S.W. at noon wind S.E.
Moderate and clear, at 4 P.M. tacked to the S.W., at 4 A.M. N.E. set royal studding sails & sky sails, at 10 exchanged colours with an American Ship
Moderate breezes and cloudy wind N.E. at day light a strange sail on our larboard quarter, at noon [illegible]
Moderate breezes from N.N.E. cloudy weather all drawing sail set, at 8 P.M. fresh breezes at 10 carried away Fr top mast studding sail Boom
Brisk breezes and cloudy weather Ship going 11 knots, last voyage would have gone 11 1/2
Brisk breezes and cloudy weather, at 4 A.M. squally, at noon clear wind S.W.B.S.
moderate breezes & clear weather at midnight squally
moderate baffling winds and cloudy weather at midnight brisk breezes & clear weather [illegible]
Light baffling winds, at 2 P.M. fresh gales and fine weather, at 6 A.M. a strange sail ahead at noon moderate
Light baffling airs and clear weather, have gained considerably on the strange sail at 8 P.M., at 10 A.M. the strange sail on
Moderate breezes from the Northward made out the strange sail to be a Man of war Brig bound to the eastward
Moderate breezes from the N.Ed cloudy weather, at 10 P.M. lost sight of the Brig in the haze
moderate winds & thick hazy weather at midnight very light, Ship rolling and labouring very much
moderate winds & thick hazy weather
moderate breezes from S.S.E. at midnight brisk breezes from S.W. clear weather, at noon wind [illegible]
Very light baffling winds and thick weather; The poorest chance I ever heard of.
3d baffling winds with showers of rain, as usual Calm

General Remarks on weather, Vessels Spoken &c &c

Baffling airs from the Southward cloudy weather, at noon a Brig in sight ahead
Calm, at 4 P.M moderate baffling wind from the westward, at 8 P.M passed the Brig steering to the N.W
Calm, at 2 P.M light baffling airs from the Westward, at 8 A.M Calm
A great variety of very light winds during the last 24 hours, two strange sail in sight to windward Southward
Moderate breezes from N.W, at 5 P.M the strange sail out of sight astern, at 10 P.M brisk breezes from the
brisk breezes & cloudy weather, at 8 A.M came up with & passed the British Ship Cordelia from Calcutta for Liverpool
moderate breezes from S.E, cloudy weather
moderate breezes from S.E, squally weather
moderate breezes from S.E, squally weather, at noon fine weather
Light S.E Trades, with fine weather
moderate Trades & cloudy weather
Light Trades with fine weather
Very light Trades with fine weather
do. do.
do. do.
do. do.
do. do.
do. at 10 P.M brisk breezes & cloudy weather, at 11 do passed a strange sail [illegible]
do.
Moderate trades & squally weather at 10 P.M wind [illegible] with rain
Squally & calms at [illegible] P.M wind [illegible], at [illegible] P.M spoke the [illegible] Brig [illegible] from [illegible]
Moderate trades with fine weather, all drawing sail set
Very light trades with fine weather,
do. at [illegible] A.M wind E.N.E
Light baffling winds from the N.E with showers of rain
Squally from the N.E, at 6 P.M steady N.E trades
Moderate Trades with fine weather, at 9 a.m a strange sail in sight from the fore yard
moderate Trades do do, at [illegible] P.M came up with & spoke the Whale Ship [illegible]
do. do.
do. do.
do. do.
do. do.
do. do.
do. do. Passed a Bark standing to the N.E
do. do.
do. do. at 9 a.m came up with & passed a Bark standing to the N.E
do. do. at 4 a.m wind E.S.E a strange sail in sight ahead
do. at 5 P.M very light airs from the [illegible], at [illegible] boarded the Brig [illegible] from [illegible]
Almost Calm throughout the 24 hours
very light airs from the [illegible], [illegible] P.M supplied the Spanish Sch^r Carlos with water, at 7 a.m [illegible] passed the Ship Parthenon of Boston
baffling airs, at [illegible] P.M Spoke the Brig Ranger of [illegible] from Portland [illegible] days out, was informed of War being declared between [illegible] & the U.S
Almost Calm throughout the night a moderate breeze from N.W
Baffling winds from [illegible] & South [illegible] a.m Calm at noon the same
Light airs from the [illegible], at 2 a.m [illegible], at [illegible], at [illegible], Tacked Ship as occasion required

Ship "Paul Jones" from Canton, towards New York

Dates	Number of days out	Lat by Obs	Lat by A/c	Long by Obs	Long by A/c	distance	distance pr Day	Courses	Winds
March									
5	1	17 . 26	" "	113 . 59	" "	212	200	S S E	S by E
6	2	15 . 52	" "	114 . 22	" "	156	152	" S "	S E
7	3	14 . 36	" "	113 . 25	" "	96	90	S 43 W	"
8	4	13 . 15	" "	112 . 26	" "	78	90	" 33 "	"
9	5	11 . 01	" "	111 . 03	" "	158	150	" 34 "	"
10	6	8 . 11	" "	109 . 01	" "	212	200	" 36 "	"
11	7	5 . 16	" "	107 . 07	" "	211	200	" 33 "	"
12	8	2 . 54	" "	107 . 17	" "	140	140	" 5 "	"
13	9	1 . 13	" "	106 . 32	" "	111	110	" 32 "	S by E
14	10	0 . 03 St	" "	106 . 31	" "	77	70	" 14 E	"
15	11	1 . 13	" "	106 . 54	" "	69	70	" 3	"
16	12	2 . 37	" "	107 . 07	" "	76	70	" "	"
17	13	3 . 57	" "	106 . 34	" "	76	90	" 20 W	"
18	14	5 . 38	" "	106 . 52	" "	72	90	" 8 "	S by W
19	15	5 . 54	" "	105 . 48	" "	13	80	" 53 "	
20	16	Rajah Bassa roads							Variable
21	17	5 . 53	" "	105 . 18	" "	57		"	S & W
22	18	" "	6 . 31	" "	105 . 16	31	78	" 31 W	"
23	19	" "	7 . 39	" "	104 . 10	95	152	" 45 "	"
24	20	8 . 5	" "	104 . 44	" "	43	84	" 53 E	"
25	21	8 . 13	" "	105 . 07	" "	45	90	" 30 "	"
26	22	9 . 20	" "	105 . 11	" "	38	59	" 5 "	"
27	23	10 . 28	" "	105 . 42	" "	71	100	" 30 "	"
28	24	" "	11 . 10	" "	105 . 47	43	61	" 5 "	"
29	25	11 . 59	" "	105 . 30	" "	52	71	" 19 W	S & W
30	26	12 . 40	" "	105 . 28	" "	11	11	South	"
31	27	12 . 59	" "	104 . 50	" "	61	59	" 38 W	S S W
April 1	28	14 . 27	" "	102 . 01	" "	135	142	" 47 W	S E Trades
2	29	15 . 51	" "	99 . 27	" "	230	230	" 67 "	"
3	30	17 . 26	" "	95 . 56	" "	231	231	" 67 "	"
4	31	18 . 13	" "	92 . 15	" "	220	224	" 77 "	"
5	32	18 . 36	" "	88 . 43	" "	201	200	" 80 "	
6	33	19 . 31	" "	85 . 43	" "	178	180	" 78 "	E S.
7	34	19 . 39	" "	83 . 18	" "	146	149	" 81	E S E
8	35	19 . 57	" "	80 . 18	" "	162	170	" 86 "	"
9	36	20 . 15	" "	77 . 04	" "	175	185	" 81 "	"
10	37	20 . 40	" "	73 . 59	" "	179	173	" 81 "	East
11	38	21 . 21	" "	70 . 31	" "	205	201	" 78 "	E by N
12	39	22 . 01	" "	66 . 54	" "	198	205	" 77 "	
13	40	22 . 31	" "	63 . 57	" "	166	165	" 71 "	E & S
14	41	" "	22 . 50	" "	62 . 13	79	99	" 78 "	Baffling
15	42	22 . 50	" "	60 . 21	" "	103	110	West	East
16	43	23 . 18	" "	58 . 41	" "	123	120	S 75	Baffling
17	44	23 . 49	" "	56 . 33	" "	205	213	" 81 "	S E
18	45	24 . 38	" "	51 . 26	" "	179	169	" 70 "	S & E
19	46	26 . 18	" "	49 . 12	" "	156	162	" 50 "	E & E
20	47	27 . 51	" "	45 . 58	" "	220	210	" 64 "	S & E
21	48	28 . 01	" "	42 . 32	" "	111	100	" 67 "	& round W
22	49	28 . 45	" "	40 . 20	" "	193	190	" 75 "	S E
23	50	29 . 35	" "	37 . 58	" "	134	136	" 67 "	
24	51	30 . 16	" "	36 . 20	" "	94	86	" 64 "	East
25	52	31 . 34	" "	34 . 00	" "	145	150	" 56 "	from East to S E
26	53	32 . 30	" "	32 . 43	" "	130	135	" 64 "	from East to SW
27	54	32 . 56	" "	30 . 33	" "	66	62	" 64 "	baffling
28	55	33 . 44	" "	29 . 16	" "	88	78	" 56 "	Light baffling airs E
29	56	34 . 23	" "	27 . 25	" "	95	77	" 61 "	Light, baffling & Calm
30	57	36 . 11	" "	23 . 08	" "	221	209	" 64 "	S E
May 1	58	35 . 30	" "	19 . 55	" "	154	154	" 87 "	S E
2	59	35 . 20	" "	18 . 54	" "	59	50	" 57 "	baffling from N to
3	60	33 . 27	" "	16 . 01	" "	185	181	" 50 "	S E.

Ship Paul Jones from China towards New York 1846

Dates	Number days out	Lat. by Obs	Lat. by DR	Long by Obs	Long by DR	Distance made good	Distance per Log	Courses	Winds
May 1846									
4	61		32 " 58		14 " 50	84	84	N45W	Baffling
5	62	31 " 28		13 " 11		98	117	" 53 "	"
6	63	30 " 05		12 " 40		88	82	" 16 "	"
7	64	29 " 37		11 " 31		67	76	" 64 "	
8	65	27 " 45		9 " 19		200	210	" 36 "	Fro[illegible] N to SE
9	66	25 " 19		5 " 30		235	226	" 61 "	SE
10	67	23 " 45		1 " 49 E		225	223	" 64 "	"
11	68	22 " 32		1 " 19 W		195	200	" 67 "	"
12	69	21 " 11		4 " 07		178	180	" 61 "	"
13	70	19 " 56		6 " 40		168	170	" 61 "	"
14	71	18 " 36		9 " 08		168	176	" 58 "	"
15	72	17 " 09		11 " 17		155	166	" 52 "	"
16	73	15 " 38		13 " 31		152	157	" 53 "	"
17	74	14 " 19		15 " 22		141	148	" 56 "	"
18	75	12 " 50		17 " 20		148	153	" 53 "	"
19	76	11 " 11		19 " 43		175	171	" 52 "	"
20	77	9 " 44		22 " 00		176	184	" 57 "	"
21	78	7 " 32		24 " 24		196	196	" 47 "	"
22	79	5 " 19		26 " 27		183	186	" 42 "	"
23	80		3 " 17		28 " 32	173	173	" 45 "	"
24	81	2 " 14		30 " 51		154	148	" 64 "	"
25	82	1 " 15 Sth		32 " 50		163	168	" 40 "	"
26	83	1 " 26 Nth		34 " 00		140	139	" 30 "	"
27	84	3 " 41		35 " 15		139	137	" 33 "	at 4 AM [illegible]
28	85		4 " 37		36 " 12	80	80	" 45 "	"
29	86	6 " 46		39 " 33		230	225	" 56 "	at 8 AM NE Trades
30	87	8 " 26		42 " 10		195	200	" 59 "	NE trades
31	88	10 " 16		[illegible]		[illegible]	[illegible]	[illegible]	
June									
1	89	12 " [illegible]		47 " 07		195	196	" 48 "	"
2	90	14 " 18		49 " 10		161	162	" 50 "	"
3	91	16 " 04		51 " 12		158	162	" 47 "	"
4	92	18 " 05		53 " 44		190	192	" 50 "	"
5	93	20 " 05		55 " 53		172	170	" 45 "	"
6	94	21 " 38		57 " 47		145	140	" 47 "	East
7	95	23 " 48		60 " 31		204	218	" 47 "	"
8	96	25 " 59		63 " 05		196	197	" 46 "	"
9	97	27 " 44		64 " 36		135	136	" 41 "	"
10	98	28 " 30		65 " 07		58	56	" 26 "	ESE
11	99	29 " 01		65 " 40		42	41	" 42 "	SE
12	100	30 " 32		66 " 45		107	101	" 30 "	SW
13	101	32 " 01		67 " 44		107	103	" 20 "	baffling
14	102	34 " 00		68 " 20		134	131	" 14 "	NbW
15	103	35 " 46		69 " 36		124	133	" 30 "	baffling
16	104		37 " 21	71 " 37	71 " 57	139	139	" 45 "	"
17	105		38 " 41		[illegible] " 18	115	115	" 45 "	"
18	106		39 " 00		[illegible]	78	78	" 28 "	

Given me
by Capt. Watkins
Dec. 1852

General Remarks, on weather, Vessels Spoken &c &c

Ships draft 16.9 & 17.00 ft

Moderate breezes and squally with rain, at 6 P.M. Cabrita point [illegible] at [illegible] Grand Ladrone East
Moderate breezes & hazy weather, at midnight light breezes & fine weather
Light breezes & fine weather
Moderate winds & fine weather midnight light airs & cloudy
Moderate breezes & fine weather, all drawing sail set
Brisk breezes & cloudy, at 8 P.M. fine clear weather
Moderate NE winds & fine weather
Light airs & cloudy
Light airs with sultry weather
Very light airs from the N.E., at 9 A.M. St. Barbe bore East
Moderate breezes and cloudy weather, at 6 A.M. fine clear weather
Moderate breezes and squally at 6 A.M. [illegible] [illegible] S.W. dist 18 miles
Light northerly winds & squally, at 6 P.M. [illegible] [illegible] at 10 [illegible] [illegible] [illegible] water [illegible]
Moderate breezes from the S.W., at 10 P.M. came [illegible] in 18 fathoms squally from [illegible] [illegible] [illegible] [illegible] [illegible]
Calm at 2 P.M. light breeze from the S. [illegible] the [illegible] to [illegible] for [illegible] [illegible] but could not find [illegible]
Fresh breezes & squally from [illegible] at [illegible] P.M. anchored in 20 fathoms [illegible] [illegible] [illegible] [illegible], at 2 A.M. [illegible] the [illegible] [illegible]
Fresh gales from the [illegible] at 7 P.M. anchored under [illegible] in 7 fathoms, at 2 A.M. moderate [illegible] [illegible] [illegible], at [illegible] [illegible]
Light westerly winds & squally weather, at 8 blowing fresh in squalls from W.S.W. working out of the Straits of Sunda
Variable winds & squally weather, at 6 P.M. [illegible] off [illegible] South [illegible] on [illegible] [illegible] dist about 8 miles [illegible]
Very squally weather with baffling winds from the S. tacked ship as occasion required
Very light S.W. wind, at 6 P.M. baffling, tacked ship as occasion required, at 6 A.M. Calm with squally appearance
Calm, at 6 P.M. experienced a heavy squall from [illegible] at 2 Calm, at 4 A.M. light breeze from [illegible]
Light airs from [illegible], at 2 A.M. made Christmas Isle bearing [illegible], at noon Christmas Isle [illegible], [illegible] [illegible]
Light rain squall with a light breeze, at [illegible] P.M. breeze more steady, all drawing sail set by the wind, at noon Calm
Almost Calm with light rain, Midnight much the same, noon do weather
Calm midnight the same, at 7 A.M. light air from the Southward
Light airs of wind & cloudy weather, midnight Calm with squally appearance, at noon light breeze from the Southward
Fresh trades and fine weather, all drawing sail set
Brisk trades and cloudy all drawing sail set
Fresh trades & squally, at 4 A.M. moderate. at noon moderate trades & fine clear weather
Moderate trades & fine weather, all drawing sail set
Moderate trades fine pleasant weather all drawing sail set
Light trade winds & fine weather all drawing sail set
Very light trades &

at 6 A.M. squally at noon fine weather
Brisk breezes from E by N & squally weather
Dark gloomy weather, all drawing sail set
Moderate breezes from E.N.E. with cloudy weather, at noon wind [illegible]
Baffling winds & gloomy weather, at noon Calm
Calm & cloudy with rain at 6 P.M. a moderate breeze from the Eastward
Moderate breezes from the Eastward cloudy weather at midnight baffling & squally
Moderate breezes & squally, at 9 P.M. steady breeze from S.E. & fine weather
Moderate breezes from the N.E. & fine weather
Moderate breezes & fine weather all drawing sail set
Brisk breezes & fine weather at noon wind [illegible] E.
Moderate breezes & fine weather, at [illegible] P.M. Calm, at 2 A.M. light breeze from the Southward
Moderate breezes & fine weather all drawing sail set
Light breezes & fine weather wind from the N.E.
Very light airs from the Eastward, fine weather all drawing sail set
Baffling from East to N.E. fine weather, all drawing sail set
Fresh breezes from N.E. & cloudy weather at [illegible] P.M. almost calm, at 2 A.M. wind shifted into S.W.
Calm, at 3 P.M. light breeze from the Eastward, at 10 P.M. came up with & passed, the Br. Ship Margaret
Almost Calm with a heavy swell from the Westward, at 10 A.M. Calm
Light & baffling, at 4 P.M. a strange sail on the larboard bow, at noon [illegible]
Squally from S.E. at 4 P.M. carried away flying jib boom, at 4 A.M. more regular
Brisk breezes from the Eastward & cloudy weather at midnight very light airs from the [illegible] E. & foggy weather
Light baffling airs from the Southward, foggy weather
Moderate breezes from the N.E. at 5 P.M. Cape of Good Hope bore north dist 20 miles

Washington Mch 30th 1807

My Dear Sir

[redacted] containing the Cruise of the Cumberland. For that & for the advance upon my order to Domingo I am obliged. Please send the orders over to Mr Rogers who I think, tho' I have no funds in his hands, will honor them. Your letter on the 3d Page somewhat embarrassed me, as I did not before learn from you, or any other source, that you intended to make a demand for extra compensation: whilst Capt. Bruce commanded the Columbia tho' so far as the rule has applied to others it was justly applicable to you, the only difficulty was for me to give the certificate. Feeling & knowing you were & are deserving

580a
E ac 6 98 DS

of extra compensation I was desirous to do all I could toward the accomplishment of that object. I made out a certificate & handed it to [redacted] certifying I had ordered you to command the [redacted] as Captain, as the Law requires, & then it occurred to me that I had written home, & often said, that I did not desire a Captain in the Cumberland. I thought my consistency would be put to the test. To remedy the case, as it appeared to me, I made another certificate placing you as a Commander & for the purpose of pay I have procured the sanction of the Auditor & Comptroller & enclose herewith the certificate which will give you $454.79/100 extra pay which I hope will prove satisfactory to you.

I fear you are carrying out the watchword business to bursting. You know what I always told you. You were too much inclined to force the bow too much until it might break a fracture, bend it slowly & watch the flaws if there are any that show.

I know how interesting the times are to you just now, as they are to the Country.

I have no news which we do not see in print.

Inquest there will report to Mrs F & yr little daughter I am very truly Yours

Jos. Smith

Lt S. W. Ford
USS Wyoming
Boston
Mass

U.S. Surveying Schr Gallatin
Boston Harbour June 13th 1847

My Dear Foote

In reply to your enquiries of this morning, it gives me pleasure to say that the custom of not serving out the spirit part of the ration has existed for a long time in most if not all, the vessels of the coast survey under the command of Officers of the Navy —

Our arrangement for this purpose is previously made with the men, viz so determinate, that the Whiskey is not included in the usual requisitions for Provisions —

You are well aware that the duties of seamen on this service are always fatiguing, & lead occasionally to considerable exposure to wet, loss of sleep & the extreamest heat of summer —

But it has been found here as uniformly on shore among working people, that those persons are the most patient of labour & fatigue & the least liable to suffer from accidental hardship, who use no stimulants —

The entire abolition of the Whiskey ration will contribute in a decided manner to facilitate & strengthen the discipline of our Public armed vessels — This is well understood by intelligent Officers — It only remains to create such a force of Public opinion upon this subject as will lead to action —

It affords me the highest gratification to learn that your own exertions are enlisted herein —

Your Position enables you to supply much valuable information derived both from experience & observation — I am confident that you will find warm advocates for this salutary measure among the members of Congress, upon whose

opinion in final success depends.

In this as in all other cases of reform it is desireable, & indeed important, to give positive encouragement to abstinence by a handsome allowance of commutation money.

Faithfully Yours

Lieut. (Signed) Charles Henry Davis

U.S.N.

Navy Yard

Boston

Lieut. A. H. Foote
U. S. Navy
Boston

[illegible] letter
Chas. Davis
June 13/47

Minutes
of the proceedings of a Naval Court of
Inquiry convened at the Navy Yard Boston
at 11 A.M. on Monday the 14th Day of Feb. 1848.
in the case of Lieut. Amasa Paine, of the
U.S. Navy

Present
Capt. John Downes U.S. Navy, Capt. Silas H.
Stringham U.S.N. Commander [redacted] U.S.N.
Lieut. A.A. Foote Judge Advocate.

The Judge Advocate read the following precept
appointing the Court.

To Commodore John Downes
U.S. Navy
Boston

By virtue of the
By Authority of contained in the act of Congress
for the better government of the Navy of the
U. States approved April 23d 1800 I hereby
appoint Captain John Downes President.
Captain Silas H. Stringham and Comdr Jos.
Abbot Members, And Lieut A.A. Foote Judge
Advocate of a Naval Court of Inquiry which
is ordered to convene at the navy Yard Charlestown
Massachusetts on Thursday the 10th instant day
of February 1848 or as soon thereafter as
practicable for the purpose of inquiring whether
Lieut Amasa Paine of the navy has since
the month of August last, embezzled, or appro-
priated to his own use, any of the public
property at the said Navy Yard, Charlestown
Massachusetts. The Court will report to the
Department

Department the facts ascertained by them, and if they find such embezzlement, or wrongful appropriation to have taken place, their opinion whether it resulted from criminal motive on the part of the said Lieut Thomas Paine, or from his insanity, or unsound mind.

Given under my hand and the seal of the Navy Dept of the U. States this 7th day of Feby A. D. 1848

(Signed) J. Y. Mason.

The following letter appointing a Judge Advocate was read.

Navy Department
Feb. 7th 1848

Sir

A Naval Court of Inquiry of which you are appointed Judge Advocate is ordered to convene at the Navy Yard, Charlestown Mass. on Thursday next the 10th inst.

Lieut. A. H. Foote
U. S. Navy
Charlestown
Mass.

I am resp.
Your Ob. Serv.
(Signed) J. Y. Mason.

Lieut Paine the accused having been notified that the Court were prepared to proceed in his case, and not appearing, a letter from the brother of Lieut Paine the accused desiring

desiring that J. P. Healy Esq might be admitted as Counsel in his behalf, or to manage his case, was produced, which request was granted. Whereupon the Counsel for the accused was asked if there was any objection to any member of the Court, & on his answering in the negative, the Judge Advocate proceeded to swear in the Court by the following "oath".

"You do swear well and truly to examine & inquire according to the evidence into the matter now before you, without partiality or prejudice."

The President then swore in the Judge Advocate by the following "oath".

"You do swear truly to record the proceedings of this Court, and the evidence to be given in the case of hearing."

Mr Abrahams Clerk to Gen.l Survey was called in and being duly sworn, testified as follows.

Lieut. Paine took a quantity of Copper from the Navy Store, at the middle of the Yard, and carried it up to the building in which the 1st Lieut's Office is. This was in the Autumn, between Oct. & Jany. This was done by Lieut Paine various times, the number I do not recollect. I have seen him after placing those Articles in the Closets belonging to the building take them out & put them in his pockets. And I have seen him doing up Articles belonging to Government in the Survey's Office, and put them in his pocket and leave the Office & not return during that day.

Question

Question by Judge Advocate.
How often have you seen the accused put up the parcels of which you speak, and put them in his pocket.

Answer. A number of times, at least ten times.

Question by Judge Advocate.
What kind of articles were in the parcels to which you allude?

Answer. There were glass chimneys for lamps the other articles I do not know what they were.

Question by Judge Advocate.
Did the accused bring this copper to the place above specified & put it into the closets in an open manner, or show a disposition to conceal it. And what disposition did he manifest in putting up the parcels.

Answer. He showed a disposition to conceal the copper, & on putting it into the closet, locked the door, & put the key into another closet. He did not manifest any of the disposition to conceal the articles which he put up in packages as he did in case of the copper.

Question by Judge Advocate.
Have you at any time seen the accused leave the yard with either the copper, or the packages about his person?

Ans. Yes not to my knowledge.

Question by judge Advocate,
Have you ever seen anything in the accused, which would lead you to suspect that he was in an insane, or disordered state of mind,

Answer. No Sir.

Question by the accused,
Do you know whether or not the articles, which Paine took other than the copper, were the property of the United States.

Answer. I know that the glass and the copper were the property of the United States, but do not know whether the other articles were or not.

Question by the accused.
What is the value of all the property taken by Lieut Paine, so far as you know, which was the property of the United States?

Answer. I can form no estimate, but valuing the copper at a shilling per pound, I should judge there were twenty dollars worth taken away by the accused.

Question by the accused,
Was not Lieut Paine just as open in preparing the copper to be carried away, as he was in putting up the packages of other articles?

Answer No Sir.

Question by the accused.
Did you suppose that Lieut. Paine was embezzling the articles in question when you saw him taking them?

Answer. Not at first, but after continuing to take them for a number of times I [redacted] that he was embezzling them.

Question by the accused.
Have you never seen any thing in Lieut Paine indicating aberation of mind?

Answer. No Sir.

Question by the Accused.
What has been Lieut Paines general character in your opinion?

Answer. I believed that he was a very upright & strictly honest man while my suspicions were aroused at his taking the articles.

Question by the Accused.
How long is it since you have seen Lieut. Paine?

Answer

Answer. I do not recollect the day, but it was the day in which he was reported to have gone to the Insane Hospital, but I had no conversation with him on that day.

The testimony of being read over to the witness & being all correct he was directed to retire, when Joseph E. Ingalls late a laborer in the Yard was called in & duly sworn testified as follows. As were taking an account of the small articles in the Store in the center of the Yard Lieut. Paine has taken things from out of my hands, such as two brass buttons for cupboard doors and put them into his pocket and these were not new, that is all he has taken from me, but I have seen him take things and put them in his pockets, but I dont know what they were. I saw one large glass chimney in his pocket, and I saw him put one or two files into his pocket.

Question by Judge Advocate.
Did the accused manifest any disposition to conceal the articles while putting them into his pocket?

Answer. No Sir. I did not see that he did he put them in in plain sight.

Question by Judge Advocate.
Do you know what the accused did with the articles

Articles which he put into his pocket?

Answer. No Sir.

Question by the Court.
Have you ever seen the accused leave the Yard with the Articles in his pocket?

Answer. No Sir.

Question by Judge Advocate
Have you ever seen any thing in the accused which would lead to you to suspect that he was in an insane or disordered state of mind?

Answer. Yes Sir, I have seen him in a disordered state of mind, but not insane, two or three times he has made very free with me while we were weighing the lignum vitae, he one day came down and came up to me, and put his arms around my neck and says, Joe I like you, because you are good natured, and said the same thing a good many times to me, which I thought strange for an officer towards a man at work under him. At another time when overhauling blocks he put his arms around Lieut. Jacksons waist, and wanted him to dance with him, and Lieut. Paine did dance round the room

room at the time.

Question by Judge Advocate.
At what time did the accused behave as you describe.

Answer. I believe that it was in December.

Question by the accused.
What is the value of all the public property which you say was taken by Lieut. Paine?

Answer. All that I saw him take would not amount to more than half a dollar.

Question by the accused.
What was Lieut. Paines general deportment, was he lively & gay, or sedate & ~~sad~~ grave.

Answer. I think that he was mostly of a serious turn of mind. At times he would be lively and jump about, but generally he was rather serious.

Question by the accused.
Was the strange conduct of Lieut. Paine of which you speak, near the conclusion of the survey in which he was engaged, or did it manifest itself earlier?

Answer towards the conclusion.

The testimony being read over to the witness and found correct he was directed to retire, when the Court adjourned untie to morrow Tuesday 10 A.M.

Tuesday July 15th 1848

The Court met to day at 10 A.M. pursuant to adjournment. All the Members & judge Advocate present. The proceedings of yesterday were read over, when Asa Beauchard late a laborer in the Navy Yard was called in and being duly sworn testified as follows. I was employed on the survey in the Navy Store in the middle of the Yard for two or three weeks in weighing and counting old castings - copper - nails &c. While we were weighing there it was reported that Lieut. Paine was pilfering and on watching him I discovered him at three different times I saw him putting copper bolts in his over coat pocket, but could not say that he carried them out of the Yard.

Question by judge Advocate,
Did the accused manifest any disposition to conceal those copper bolts when putting them into his pocket.

Answer. He did Sir.

Question

Question by the ~~accused~~ Judge Advocate.
Have you ever seen any thing in the accused which would lead you to suspect that he was in an insane, or unsound state of mind?

Answer. Nothing except his having put the copper in his pocket.

Question by the Court.
Were you present at the weighing of the lignum vitae?

Answer. No Sir. I was not.

Question by the accused,
What is the value of all the copper which you saw Lieut. Paine put in his pocket?

Answer. To the extent it might have been five shillings worth.

Question by the accused,
How long have you known Lieut. Paine & how intimate has your acquaintance with him been?

Answer

Answer. Until I came on the Survey in the middle of September I had never seen him.

The testimony having been read over to the witness and being correct he was directed to retire. When Col. Beth J. Thomas & Lieut. Stone Meeper was called and duly sworn

Question by Judge Advocate.
Do you know any thing of Lieut. Paine embezzling public property?

Answer. There is no fact which falls within my own knowledge.

Question by Judge Advocate.
Have you ever seen anything in Lieut. Paine which would lead you to suspect that he was in an insane or disordered state of mind?

Answer. I have noticed certain peculiarities of character in Lieut. Paine, but insanity never suggested itself to me in the case, In the first place it seemed to me that his business as one of the officers of the Survey embarrassed him very much, it was very difficult to make him comprehend a plain proposition when plainly stated to him. In the next place I

I think that he had no confidence in himself so far as respected the business in which he was engaged. I recollect in one case having a conversation with him in presence of Capt. Walker which will perhaps illustrate the remarks above. he was very solicitous that I should furnish him with a statement of the quantity, and value of stores, of each kind, shown to be on hand by the Store keepers books on a given day. I told him that the books were not brought up, and could not be brought up untill the end of the month, that I would furnish him with all these facts long before he had concluded the survey. Capt. Walker agreed with me that that would be my time, and the proper time. Lieut. Paine acquiesced, but seemed a good deal distressed about it. I told him that the object of the survey, as I understood it was, precisely to test the accuracy of the Store Keepers accounts. & it seemed to me to make up his accounts, & by the help of our books would be a hard upon the Department. he went out and remarked after leaving Capt. Walker that every body thought so different from him, that there must be something wrong about himself, or in himself, he was so much moved that I think he shed tears. He said that the other officers had made him do all the work and then had overruled him in every thing. I thought him a remarkably suspicious man, having very little confidence in others, and also a remarkably inquisitive man. I mention these peculiarities because they have been the subject

subject of frequent familiar remark between myself and others who know Lieut. Paine.

Question by the accused.

How long have you known Lieut Paine and how intimate has your acquaintance with him been?

Answer. I think I have never known him until he came on duty as one of the Officers of the Survey. Since that time have been acquainted accustomed to meet him daily, often several times in the day.

Question by the accused.

What was the Lieut. Paines general deportment, was it naturally lively and gay, or sedate and grave?

Answer. Not lively and gay.

Question by the accused.

Did the peculiarities of Lieut. Paine of which you speak, manifest themselves more at any one period than at another, & if so, at what time were they the most apparent?

Answer. I remarked these peculiarities very soon

soon after having become acquainted with him, As I suppose we are all accustomed to do, the peculiarities of every person we meet. He seemed to me to be a man of very weak mind, but whether naturally so, or whether it arose from nervous affection, I do not know.

The testimony of the witness being read over and being correct he was directed to retire, when Francis Upton employed in the Navy Store was called in and being duly sworn testified as follows.

I have seen Lieut. Paine take copper from the Navy Store he confessed to me that he had taken it, and other articles from the Store. The copper he had disposed of for money, stating as a reason that he was in want of funds, said that his family was very dear to him, and he did it for their relief, he intended only to borrow it for a short time. That he would return it he thought at the end of that, or beginning of the next month. This was in the first fortnight in January. He told me that he had taken a great many articles, which Mr. Upton was not aware of, and he stated that he would return them even if he had to buy them at a great sacrifice. He said that his family was very expensive, and that he had every reason to believe that he was watched. He furthermore asked me if I knew any one who watched him. I told him I did. I mentioned one or two & he wished me to go to them & see if it could not be hushed up. I went to Col. Thomas & told

told him of the confession he has made to me. The day before he made his confession to me, which was in the early part of January he came and told me that he had a piece of copper which he said came from the store. This piece of copper he took from a cellar. He with this copper came down with me to the new store carrying it in his hand stating that it was not the size he wanted. I then asked him if he wanted another piece for it of large size, he said no & asked me if I would throw it on the copper fire. And I took it. The next day after he made the confession to me I had a talk with him in the passage leading to the 14th Office. He there told me that he had taken a thermometer from the store & requested me to come over to Boston after some articles he has taken besides the thermometer. I was unable to go over that day, but went on the Monday following. I then told him that this affair was out, that the officers knew it in the Yard. He then asked me to go with him & bring the articles to the Yard which I did, a thermometer & a brass cock

Question by Judge Advocate.

Did the Accused manifest any disposition to conceal the articles taken?

Answer. Yes, & he took them very slyly.

Question.

Question by Judge Advocate.

Have you seen the accused at any time leave the Yard with articles belonging to government about his person, & if so, to what amount?

Answer. I went into the surveyors room one day and saw the copper in the closet adjoining. Some few minutes after Lieut. Paine went to the closet, and ten minutes after he left the Office and the Yard, his hands being in his pockets. I then went to the closet and the copper was gone.

Question by the Court.

Do you know that no other person than Lieut. Paine went to the closet where the copper was while you were in the Office adjoining?

Answer. I do not know that another person did not go, there might have been twenty persons & I not have seen them.

Question by the Judge Advocate.

Have you ever seen any thing in the accused which would lead you to suspect that he was in a insane, or disordered state of mind?

Answer. I have seen Lieut. Paine when I considered that he was not exactly in his right mind, he was confused in attending to his business, at times very

very much dejected, said that he has trouble with his boy &c. At times he was rather stupid & again he was quite lively. I never thought Lieut. Paine a very strong minded man. I was with him four months and a half.

Question by the accused,
What is the value of all the public property, which you know of your own knowledge, that Lieut. Paine has taken out of the Yard.

Answer. I do not know of his taking any thing out of the Yard more than the two articles already specified.

Question by the accused.
Did you see Lieut. Paine at the closet where you saw the copper placed; or do you merely infer that he went to the closet from the noise you heard?

Answer. I saw him at the closet as I went up stairs.

Question by the accused,
Did Lieut Paine in the confession of which you have spoken, tell you that he needed funds for any particular family purpose; if so, what was that purpose?

Answer

Answer. He said he needed them for the relief of his family.

Question by the accused
Did you have a conversation with Lieut. Paine on the Common in Boston when you were coming from the Cars? If so, did you discover anything indicating an unsound mind?

Answer. I did have a conversation with him and he appeared more like an insane man than he did like a sane man. I cant say whether it originated from his anxiety of mind, or disease. I should think him to be a little out of his mind at the time. Any one seeing him would suppose him to be crazy.

Question by the accused.
When Lieut. Paine made the confession to you of which you have testified, had any one to your knowledge charged him with the theft, or had he so far as you know any reason for supposing himself suspected of it?

Answer. I do not know that they had, neither do I know that he has any reason for supposing himself suspected of it.

She

The testimony of being read over to the witness and found correct, he was directed to retire, when Philip Pickham Gate Keeper was called in & being duly sworn the Court adjourned until 10 Oclk. to morrow, morning.

Wednesday Feby 16th 1848.

The Court met pursuant to adjournment, all the members and Judge Advocate present. The proceedings of the day previous Feb 15th were read over by the Judge Advocate.

When Philip Pickham Gate Keeper was called in and having been sworn Yesterday testified as follows.

Question by Judge Advocate.

Have you at any time seen the accused leave the Yard with copper, or any other article of public property about his person?

Answer. No Sir, I have seen him take a bundle out under his arm, but could not say what was in it.

Question by Judge Advocate,

Have you ever seen anything in the accused which would lead you to suspect that he was in an insane, or unsound State of mind?

Answer

Answer. No Sir, I never did.

The testimony of the witness being read over to him and found correct, he was directed to retire, when a letter was received by the Court from George S. Abrahams Clerk to the survey requesting to correct a portion of his evidence, whereupon the said Abrahams was called in and on hearing his testimony, informed the Court that his evidence had been correctly entered upon the record, when the witness was directed to retire. At this stage of the proceedings a letter was received from Francis Dixon requesting to correct & add to his testimony, whereupon the said Dixon was recalled and further testified that at the confession first made by the accused Lieut. Paine, said my God if you will only try & hush this up, I will give money or any thing else, My reply to him was I wish no remuneration, if I could do it consistently with my duty I would help him. The last time I had any talk with him in the Yard, he told me that he was a professor of religion, said that it rested with his family, & injure his standing in society. He then tapped me on the Shoulder, nodded to me & told me that he was coming, Pr Lieut of the Yard. He then told me that about two years ago he had the same inclination to take things which did not belong to him - Said that he believed that the Devil tempted him.

Question

Question by the accused.

Have you made this addition to your testimony in consequence of any conversation with any person? & if so, with whom was that conversation held?

Answer. I have not.

Question by the accused.

Have you been told by any person, since you testified yesterday that your testimony then was not full enough? & if yea, who was that person?

Answer. Col Thomas told me that I had not testified what I told him in the office. Also Lieut. Winslow told that I has not told the story in Court as I had told it to him.

Question by the accused.

Were you requested by any person, or did any person suggest to you to make application to this Court to be recalled to add to your testimony? If yea, who made that request, or suggestion?

Answer No one.

The

The testimony of the witness being read over to him and found correct, he was directed to retire, when Mr. W. Pierce Clerk to the Navy Steve Harper was called & being duly sworn testifies as follows.

It has been reported to me that Lieut Paine was in the habit of taking copper & putting it in the closet adjoining the Surveyors office, & I was induced to examine the closet, & found some pieces of old bolt copper there on several occasions. This was about the middle of January. I afterwards examined the closet again & found the copper bolts taken away. On the 14th of January I had business with Mr Abrahams in the Surveyors office adjoining the closet, when I examined the closet I found there a piece of bolt copper. Lieut Paine came in, when he left & followed immediately. I found him standing at the closet with his hand on a piece of copper he tried to shut the door, & put his hand in his pocket. I do not know that he had any thing in his ~~private~~ hand. I then went to the foot of the stairs and stood in a position where I could see the floor in front of this closet. I know that no person other than the accused did go to the closet. Lieut. Paine came down & went out of the yard. I examined the closet immediately on his leaving and found that piece of copper gone.

Question by Judge Advocate.

Did Lieut. Paine manifest any disposition to conceal what

what you suppose he was after at the closet?

Answer, Yes Sir,

Question by Judge Advocate,
Have you ever seen any thing in the accused which led you to suppose that he was in an insane, or disordered state of mind?

Answer, I have not.

Question by the accused,
What is the value of all the Public property taken by Lieut. Paine so far as you know?

Answer, The piece of copper which I have mentioned I suppose might have been worth four, or five shillings.

Question by the accused.
Has Lieut. Paine ever carried any of the public property out of the Yard to your knowledge?

Answer, I have never seen him carry any out.

List of witnesses in the case of Lieut. Augustus Paine

Commr. H. A. Parker
Mr. S. G. Thomas (Navy Store Keeper)
Mr. Sisson Clerk to " " "
Mr. Wm. Pierce, " " " "
Mr. Abrahams Clerk to General Survey
Mr. Joseph Ingalls Laborer
Mr. Asa Blanchard " "
Mr. Philip Peckham Gate Keeper
Commdr. Wm. J. Walker,
" Josiah Tattnall,
Lieut. Chas. H. Jackson
Condr. Jacob Cowpenthwaite
Capt. James Armstrong
Lieut. Alden
" Winslow
" A. H. Foote
Master H. W. Moores
Surgeon Johnson
" Smith
" Sinclair
" Wheelan
Lieut. Hardy
Purser Taylor
Dr. Luther V. Bell (Insane Asylum,
Dr. Thompson of Charlestown
Dr. Hurd of Charlestown
Dr. Jackson of Boston
Mr. Daniel Paine of Providence

The testimony of the witness being read over to him and found correct he was directed to retire, when Lieut. Chas. H Jackson, U.S.N. was called and fully sworn,

Question by Judge Advocate.

How frequent has been your intercourse with Lieut. Paine since the month of August 1847, & have you seen any thing in him indicating an insane, or unsound mind?

Answer. My intercourse with him has been almost continual since the Month of August, I have seen him nearly every day, as I was in the survey with him. I have seen nothing at all which would lead to suspect that he was of an unsound mind, On the contrary in a long acquaintance of nearly twenty years, I have observed him to have been the same Mr. Paine in that respect as formerly. I have had frequent conversations with Lieut. Paine upon his private affairs, as well as public duties concerning the survey. I asked him what could induce him to go so often to Providence when it would be attended with inconvenience & expense, he replied to me that having recently lost a child to whom he was very much attached, he was desirous of being with his wife as much as possible. He has in my opinion conducted his survey with a good deal of system & method. I have frequently requested him to share the duties with me more equally, He consented to take the duties with me by my relieving him in the afternoon, which was continued for some time, but I most generally found him present,

notwithstanding

Merchantlanding. Dr. mentioned that Capt. Walker of the Survey required that one Officer of the Survey should always be present, as our duties were undivided at the time.

Question by the Accused.

Have you had any such experience with insane persons, as enables you to detect with any peculiar skill, the early symptoms of an insane or unsound mind?

Answer. I have no other means than of judging of a person but his character being consistent.

The testimony of the witness being read over to him, and found correct, he was directed to retire, when Cond. Josiah Nathanale U. S. Navy was called and duly sworn.

Question by Judge Advocate.

How frequent has been your intercourse with Lieut. Paine since the Month of August 1847, & have you seen any thing in him indicating insanity, or an unsound mind?

Answer. I joined the Station on the 1st day of Oct. 1847, from that period up to the time when Lieut. Paine left the Yard for the Hospital I was in almost daily intercourse with him and I

I have seen nothing in him indicating insanity, or an unsound mind.

Question by the accused.

Have you had any experience with insane persons, such as would enable you to detect with any peculiar skill the early symptoms of an insane or disordered state of mind?

Answer. I have not.

A question being submitted by the accused, on motion of the Judge Advocate, the Court was cleared for deliberation, and on reopening the Court the Accused withdrew his motion the question.

Question by the Accused.

How long have you known Lieut. Paine, how much have you been with him, & what has been his character for honesty & integrity?

Answer. I have known Lieut. Paine for upwards of twenty years. I have been with him in the same ship for eighteen months, have met him very frequently until the time he was charged with this offence. I esteemed him very highly both as an Officer and as a Gentleman. His general character has been unexceptionable.

The

The testimony of the witness being read over to him and found correct, he was directed to retire. Cohen Commodore F. R. Parker, U.S. navy was called in and duly sworn.

Question by Judge Advocate.

How frequent has been your intercourse with Lieut. Paine since the month of August 1842, and have you ever seen any thing in him indicating insanity, or an unsound mind?

Answer. I have seen Lieut. Paine probably once a week since the month of August, & I have never seen anything like insanity, & never suspected it.

Question by the accused.

Have you had any such opportunities of becoming acquainted with insane persons as would be likely to lead you to detect the early symptoms of an insane, or disordered state of mind?

Answer, no

Question by the Accused.

How long have you known Lieut Paine, & what has been his character for honesty and integrity.

Answer

Answer. I have known him since his arrival in the Frigate Constitution sixteen months ago. I never have suspected any thing like dishonesty - never has cause for it - but had so high an opinion of him, that I was anxious that he should come to this yard as Lieut. when the term of the present Lieut. expired.

The testimony of the witness being read over to him and found correct, he was directed to retire, when Surgeon Wm Johnson was called and duly sworn.

Question by Judge Advocate.

How frequent has been your intercourse with Lieut. Paine since the month of August last, and have you ever seen any thing in him indicating an insane, or unsound mind?

Answer. I have seen but a very little of him I have met him but seldom. I have not seen any thing in him indicating an insane, or unsound mind.

Question by the Accused.

Have you seen enough of Lieut. Paine since the 1st of August last, to enable you to say, with any degree of accuracy, what has been the state, or condition of his mind, during that time?

Answer

Answer. No I do not know that I have but what I did see of him, I thought his intellect was good, not unsound.

Question by the Accused.

Have you had any, and how much experience, professionally with insane persons, and have you given much attention to that department of your profession?

Answer. No I have not had much to do with insane persons, very few insane persons have come under my treatment.

Question by the Accused.

Is it not a well attested fact with the medical profession, that a person may be so far insane, as to take away his moral accountability, & yet that his general conduct & deportment may be such as not to indicate such a state of mind to any but those practically acquainted with the subject of insanity?

Answer. I do not know.

The testimony of the witness being read over to him & found correct he was directed to retire. When the Court adjourned until 10 A.M. to Morrow.

Thursday Feb 17th. 1848.

The Court met pursuant to adjournment. All the Members and Judge Advocate present.

The proceedings of the day previous Feby 16th. were read over by the Judge Advocate, when Dr James Jackson of Boston was called in and duly sworn.

Question by Judge Advocate.

How frequent has been your intercourse with Lieut. Paine since the month of August 1847, and have you ever seen any thing in him indicating an insane, or unsound mind?

Answer. I never had any acquaintance with Lieut Paine. I was lately called to see a Gentleman at Mrs. Richens who I was told was Lieut Paine. At that time I felt no doubt from his appearance that he was insane.

Question by the Judge Advocate / Accused.

Might not the fact of it being publicly reported that he had embezzled public property, have caused from remorse & shame this apparent insanity?

Answer. His appearance on that day was consistent with previous insanity, or previous vanity of mind.

Question

Question by the Court.
Have you seen Lieut. Paine since that day?

Answer. No Sir.

Question by Judge Advocate.
After how many hours experience in his case did you decide on his insanity?

Answer. In the first hour - I was with him only one hour

Question by the accused.
Whether or not was Lieut. Paine sent to the Insane Hospital in Somerville by your recommendation?

Answer. I advised that he should be carried there and required that he should be carried there at once.

Question by the Accused.
May a person be so far insane, or disordered in mind, as to take away his moral accountability, & yet conduct ordinary business with such order and system, that the diseased state of mind, would not likely to be noticed, except by Physicians, & persons practically acquainted with the subject of insanity?
subject.

Answer. Yes.

Question by the Accused.

If a person who has been for a length of time leading an inactive life, should be called to a business requiring a good deal of active thought, during the whole of many successive days, & in addition to this should be afflicted with a domestic bereavement, would this be a sufficient cause for rendering him insane?

Answer. It might do in one predisposed to insanity.

Question by the Accused.

Does insanity, which is caused by application or overtasking the mind, usually come upon a person suddenly, or gradually & by degrees?

Answer. I can not say, that question can be better answered by Dr. Bell, or some person who has charge of ~~one~~ an insane institution.

Question by Judge Advocate.

Do you know any thing more in relation to this subject?

Answer.

Answer. I came to the opinion that Lieut. Paine was insane from seeing him greatly distressed in mind while there was no cause stated by him which would satisfactorily account for this state of mind. He said that he had been purloining copper in the Navy Yard to the amount of I remember rightly fifty pounds, or nearly that amount. I believe that no sensible man in a sound state of mind could have been guilty of this act, from so inconsiderable a motive.

Question by the Court.

If any person or persons not physicians who had been associated daily with him for months, would they not be likely to discover insanity if any existed?

Answer. I think they might not, such a case would be similar to one that of one who from insanity was disposed to set fire to buildings.

The testimony of the witness being read over to him and found correct, he was directed to retire, when Surgeon J. Vaughn Smith U. S. Navy was called in and duly sworn.

Question by Judge Advocate.

How frequent has been your intercourse with Lieut. Paine since the Month of August 1863, and have you ever seen any thing in him indicating an insane

insane, or unsound mind?

Answer. I saw Lt. Paine here in the Yard frequently. I did not suppose that he was insane.

Question by the Accused.

Was your attention ever called calls particularly to the state of his mind?

Answer. Never.

Question by the Accused.

Have you given much attention professionally to the subject of insanity?

Answer. Not particularly so.

Question by the Court.

Have you never observed any thing in the conduct of Lieut. Paine which you now think may have been caused by insanity, or an unsound mind?

Answer. No I have never observed any thing that I remember.

Question by the accused.
May a person be so far insane as to take away his moral accountability, and yet conduct himself and his business in such a manner, as that the insanity would not be noticed except by persons particularly acquainted with the subject?

Answer. That is what we understand by Moral Mania, insane in point and sane in all others, not unfrequent.

Question by the accused.
May a person be so affected, & yet the disease pass unnoticed for a long term of time by those who most frequently see the person or disease?

Answer. I can not say from personal knowledge my opinion would be formed from medical authorities.

Question by the Court.
Have you seen Lieut. Paine since he was placed in the Insane Asylum?

Answer. No.

Question

Question by the accused.

How long have you been acquainted with Lieut. Paine, & what has been his character for honesty & integrity?

Answer. I have known him for ten or twelve years, & his character has been excellent.

Question by the accused.

Is Lieut. Paine naturally a man of a strong mind, or of a weak one?

Answer. I thought he had a pretty good mind I knew, he had an excellent character.

The testimony of the witness being read over to him and found correct he was directed to retire when Surgeon Benj. F. Sinclair U. S. N. was called in & duly sworn.

Question by Judge Advocate.

How frequent has been your intercourse with Lieut. Paine since the month of August 1847, and have you seen any thing in him indicating an insane, or unsound mind?

Answer. I have seen him only two or three days ~~prior to his being~~ for the last three months prior

prior to his being sent to the Insane Asylum. I have never seen any thing in him indicating an insane, or unsound mind. I have not seen him since he has been in the Asylum.

Question by the Accused.

Has your attention at any time been particularly called to the state or condition of his mind?

Answer. Never.

The testimony of the witness being read over to him and found correct he was directed to retire when Surgeon W. Whelan U. S. Navy was called in and duly sworn.

Question by Judge Advocate.

How frequent has been your intercourse with Lieut. Paine since the month of August 1847 and have you ever seen any thing in him indicating an insane, or unsound mind?

Answer. I think I see[n] him every day except Sunday. I met him either at the Office of the Ord. Lieut. or at the Navy Yard, daily. Nothing I considered him as sane, as any Gentleman with whom I associated, with in the Yard.

The

The testimony of the witness being read over to him & found correct, he was directed to retire when Capt. James Armstrong of the U. S. Navy was called in and duly sworn.

Question by Judge Advocate.

How frequent has been your intercourse with Lieut. Paine since the month of August 1847, and have you ever seen any thing in him indicating an insane, or unsound state of mind?

Answer. I have met him very frequently, and I can not say how many times, probably from ten to twenty, and I have entered into conversation with him. I have never seen anything to indicate insanity or unsoundness of mind.

Question by the Accused.

How long have you known Lieut. Paine, & what has been his character for honesty & integrity?

Answer. I have known him for twelve, or fifteen years - he has always been considered a very sedate - correct - attentive hard worthing officer.

The testimony of the witness being read over to him and found correct, he was directed to retire, when

Sailing

Sailing Master F. M. Moses U. S. Navy was called in and duly sworn.

Question by Judge Advocate.

How frequent has been your intercourse with Lieut Paine since the month of August 1847. and ~~what~~ have you ever seen any thing in him indicating an insane, or unsound mind?

Answer. My intercourse has been be nearly daily since he entered upon the duties of the survey. I have never from personal observation discovered any thing indicating an insane man.

Question by the accused.

How long have you known Lieut Paine & what has been his character for honesty & integrity?

Answer. I have known Lieut Paine I think for six or eight years. & I have always understood that he was a very good officer, industrious, and a man of strict integrity so much so that he has been proverbially called, honest Amasa.

Question by Judge Advocate.

The

The testimony of the witness being read over to him and found correct, he was directed to retire when Lieut. Geo. A. Winslow was called in and duly sworn.

Question by Judge Advocate.

How frequent has been your intercourse with Lieut. Paine since the month of August 1864, and have you ever seen any thing in him indicating an insane, or unsound mind.

Answer. I have seen Lieut. Paine, and have been in almost daily intercourse with him for the last four or five months, and I have never seen any thing indicating insanity.

Question by the Accused.

How long have you known Lieut. Paine and what has been his character for honesty & integrity?

Answer. I have known him for several years, his character during that time has been unexceptionable.

The testimony of the witness being read over to him and found correct, he was directed to retire when Dr. J. Stearns Bond was called and duly sworn.

Question by Judge Advocate.

Have frequent has been your intercourse with Lieut. Paine since the month of August 184?, and have you seen any thing in him indicating an insane, or unsound mind?

Answer. I have met Lieut. Paine once and that was on the 18th of Dec. last at a dinner party, being unacquainted with him I was struck with by his peculiar appearance on entering the room and his conduct on introduction to myself. He appeared hurried in all his movements. & at dinner table being placed next to me, I was astonished frequently at his manner. I expressed after leaving the house to Dr Lyon who was also of the party, if he notices any thing peculiar in the conduct of Lieut. Paine. he asked me what I meant by the question. I told him that he appeared to me very singular indeed - being a stranger to him (Lieut. Paine) I expressed no further opinion. My impressions were that his mind was disordered, but not from artificial stimulus, for his wine glass was filled and he had taken none at the time, and not any during the dinner time. The same question that I put to Dr Lyon, I also put to my wife, if she had noticed any thing. My impressions were that he was not in his right mind during the whole time we were together.

Question by Judge Advocate.

Your opinion was then formed of his disordered mind solely from your observation at the dinner party

to

to which you have alluded?

Answer. Yes, I has never seen him prior to that or since.

Question by Judge Advocate.

Was your opinion formed from your professional experience enabling you to detect aberation of mind, or might an ordinary unprofessional person have discovered the same state of mind?

Answer. He was setting beside me, his various movements & preternatural appearance of his eye, and being in the habit of observing persons induced me to consider him of unsound mind, for instance answering without any question having been asked him, and this repeatedly, and often saying yes, & No, emphatically & this when no question has been put to any one. In all this there was frequent gesticulation.

Question by Judge Advocate.

If the Accused had been making a free use of intoxicating drinks previous to your introduction, would you have observed it, if yea, how?

Answer. Yes, I think I should for setting near him I think I should have smelled his breath besides,

besides he did not appear at all like a man excited by intoxicating drinks.

Question by the Accused.

May a person be so far insane as to take away his moral accountability, and yet conduct himself and his ordinary business with as much system & order, that the insanity could not be noticed except by persons medically acquainted with the subject of insanity?

Answer. I should think they might.

The testimony of the witness being read over to him and found correct, he was directed to retire when the Court adjourned until to morrow at 10 A. M.

Friday Feby. 18th 1848.

The Court met pursuant to adjournment. All the Members and Judge Advocate present as Yesterday. The proceedings of Yesterday Feby 17th were read over by the Judge Advocate. When Lieut. Robt. Handy was called and duly sworn.

Question by the Judge Advocate.

How frequent has been your intercourse with Lieut. Price since the Months of August 1847. and have you ever seen any thing in him indicating an insane or unsound mind?

Answer. During that time I have seen Lieut. Paine frequently in the Yard. I have never seen any thing in him that would indicate insanity.

Question by the Accused.

How long have you known Lieut. Paine and what has been his character for honesty & integrity?

Answer. I have known Lieut. Paine for seven teen years. I have always considered him an Officer of great promise and so he was considered I believe by all his brother Officers, and so far as honesty and integrity are concerned I believe that he stood unrivalled as an Officer.

The testimony of the the witness being read over to him and found correct, he was directed to retire, when Comdr. Wm. L. Walker U. S. N. was called and duly sworn.

Question by Judge Advocate.

How frequent has been your intercourse with Lieut. Paine since the month of August 1863, and have you ever seen any thing in him indicating an insane, or unsound mind?

Answer

Answer. I have seen him nearly every day and conversed with him, and I have never seen any thing in his deportment, or in the discharge of his duties that would lead me the belief that he was of an unsound mind.

Question by Judge Advocate.
Was he associated with you on the Survey, and were you or not the Commdg Officer of that Survey?

Answer. I was the Commdg Officer.

Question by Judge Advocate.
Was Lieut. Paine diligent & attentive to his duties - conducting the portion of the Survey assigned him with ability, & to your satisfaction?

Answer. He appeared to certainly, on the contrary, I had the utmost confidence in Lieut. Paine so far as his duties were concerned.

Question by the Court.
In performing the duties of the Survey did he not appear anxious about it?

Answer

Answer. He appeared anxious to be to discharge his duties properly & correctly.

Question by the Accused.
How long have you known Lieut. Paine, and what has been his character for honesty and integrity?

Answer. I should think that it has been fifteen or twenty years since I have known him. I have never been associated with him on duty before. I have always heard him spoken of as being a very correct - attentive & honest man. I have never heard his honesty questioned.

Question by the Accused.
Whether or not did you estimate of Lieut. Paines ability to manage accounts undergo any change towards the latter part of the Survey; if yea, what was that change?

Answer. No.

The testimony of the witness being read over to him and found correct, he was directed to retire when Gen. A. Abrahams Clerk of the Survey, was

was at the request of the accused recalled.

Question by the Accused.

Whether or not, during the late Survey was there a conversation between yourself & Lieut. Paine upon the question whether a certain lot of copper had been weighed? If yea, what was that conversation, and the circumstances attending it?

Answer. Yes Sir there was a conversation in relation to a lot of copper which had not been weighed by the Surveying Officers. I told him that that lot of copper had not been weighed, he contradicted me & said that it had. I again told him that it had not, and as a proof that it had not no mark of having been weighed, he immediately replied that there was a mark, and at the same time took a piece of chalk & marked it saying, yes it has, there is my mark, & I again stated that it had not been weighed & he again contradicted me, but after he found that there was a lot of copper of that denomination on the Store Keepers books which he had no account of, and then he weighed that lot.

Question.

Question by the Accused.
Whether or not did he make a motion on the wall of the room, as though he was marking there, & say there was his mark, or any thing like that?

Answer. No Sir, he did not make a motion on the wall.

Question by the Accused.
How much copper was there in the box spoken of?

Answer. I do not recollect a number of thousand pounds.

Question by Judge Advocate.
At what date did you know, or begin to suspect the accused of embezzling public property?

Answer. About the 15th of Oct. last.

Question by the Accused.
Do you mean by your last answer to be understood, that you knew Lieut. Paine embezzled copper, about the 15th of October last, or that you then suspected him of it?

Answer. I then suspected him of it.

Question by Judge Advocate.
What were your reasons for suspecting him at that time?

Answer. Because I had missed copper at various times and until then I suspected the laborers employed on the survey, from continually watching them I was convinced that they took none, & from seeing Lieut. Paine occasionally having pieces of copper in the closet adjoining the Surveyors Office. I supposed that he had placed them there, & that caused me to watch him.

Question by the Judge Advocate.
When did you first begin to suspect that copper, or any article of public had been purloined?

Answer. About the 1st. of Oct. or might have been earlier.

Question by the Accused.
Whether or not has it been proved that some other person than Lieut. Paine took copper from the Yard feloniously, some time during the Survey?

Answer

Answer. I do not know Sir, what it has been moved,

Question by the accused.
Do you know any facts or circumstances tending to show that such has been the case?

Answer. Yes Sir. I know of one circumstance from seeing a collection of persons at the Sentinels box, and hearing that a person had been detected in stealing copper.

Question by Judge Advocate.
Where was that copper taken from to which you allude in your previous answer?

Answer. I do not know.

The testimony of the witness being read over to him and found correct he was directed to retire when Comdr. Jacob Cranmishield U.S. Navy was called and duly sworn,

Question

Question by Judge Advocate,
How frequent has been your intercourse with Lieut. Paine since the Month of August 184[illegible]; and have you ever seen any thing in him indicating an insane, or unsound mind?

Answer. Perhaps I have met him fifteen, or twenty times since August. I never had any conversation with Lieut. Paine, I never passed ten consecutive words with him, in my life. I never supposed him an insane man; on the contrary all that I knew of Lieut. Paine was from the report of others, & always considered him a good and correct Officer, At the same time I would say that I never was intimate enough with Lieut. Paine to form any judgment of his mind.

The testimony of the witness being read over to him & found correct he was directed to retire, when Lieut. James Alden U. S. Navy was called and duly sworn.

Question by Judge Advocate,
How frequent has been your intercourse with Lieut. Paine since the month of August 184[illegible], and have you ever seen any thing in him indicating an insane or unsound mind?

Russell. I have met Lieut. Paine almost every day up to the time I was going to the Insane Asylum, which I believe was on the 25th of Jany — I have never seen any thing in him during that time which indicated an unsound mind. But on that day after having had two interviews with him, I concluded that he could not be of a sound mind. My attention was called to him and his detection from the report which I heard in regard to his embezzling public property. On inquiry I found that he was at Mrs. Pickens his connection in Boston. On going there I found him in the parlor, and upon his recognising me he cried out there is Adam one of my best friends, I have disgraced him too among the rest. then he fell upon an ottoman at full length perfectly overwhelmed with grief. I took him up and after some time pacified him so that he could understand what I had come to him for. I then appealed to him in the most pathetic manner to tell me the truth the whole truth, & that I would do all I could for him. he then said that he had been taking copper from the Yard. I said how and to what amount. his reply was. Something less than a dollars worth at a time, and in his overcoat pocket. I asked him what he did with it. he said that he sold it at the common junk Shops, and received from sixty to eighty cents, & sometimes a dollar at

at a time, I then said that I wanted to know the amount of money which he had received from the sale of any public property which he had taken from the Navy Yard. He said that it would amount to eight dollars. I said I expressed my surprise at the amount and asked him to reflect carfully, he did so and reiterated the amount. I told him he had better put it at a little more, ten or fifteen dollars, and after some hesitancy he said it might have been ten or eleven dollars. All this conversation was carried on in the intervals of his excessive paroxysms of grief and distress of mind. I asked when he first took any public property from the Yard, he said that he took a small piece of copper immediately after being called upon to testify to the character of Gilman Willey an old Ship mate of his who had been taking copper out of the Yard. I left him soon after this and saw him again at the same place in the afternoon with Dr. Thompson my father in law, who after some conversation with Lieut Davis, gave his opinion that he was insane and ought to go immediately to an insane Hospital, his friends remarked that Dr. Jackson was of the same opinion and had expressed it before noon, & it was decided that he should go, and he immediately went with Dr. Thompson.

Yes.

Question by Judge Advocate.

Were you at a dinner party on the 18th of Dec. where Lieut. Paine was present, & if you did you notice any thing like derangement in the conduct of Lieut. Paine?

Answer. Be a about that day he dined with me and I saw nothing in him that indicated an unsound mind.

Question by the Court.

Was your attention particularly drawn to him?

Answer. Not at all he was seated next to Dr Allen, some two or three from me.

Question by the Accused.

How long have you known Lieut. Paine, & what has been his character for honesty and integrity?

Answer. I have known him for about fifteen years, during that time we sailed together in the Constitution about two years and a half he as first Lieut. and I as third Lieut. & I never have known in all my intercourse with him a more honest man, scrupulously

so

No, In the Constitution he never could allow the smallest article made for himself, for his own convenience, owing I believe to conscientious scruples.

Question by the Accused.
Was you position at the dinner table on the 18th of December last, such as enabled you to observe the deportment of Lieut Paine on that occasion, & if there were irregularities in it, should you have been likely to notice it?

Answer. He was sitting on the same side of the table, therefore I could not notice any thing peculiar in his conduct, if there has been any thing boisterous or noisy I should have noticed it, being only two or three removed from him. When I addressed any remark to him, owing to my position, I has to reach forward, or lean backward, in order to see him, with any advantage

Question by Judge Advocate.
Do you know the date, or near it when Gilman Willey was charged with having taken copper out of the Yard & to which the Accused, referred in your conversation with him?

Ans.

Answer, I do not know the date, but I believe that I was informed by the first Lieut. of the Yard.

Question by the Accused,
How often did Lieut. Paine say he took the copper?

Answer, He said from the time he testified in the case of Colley this uncontrollable propensity came over him about once a week, & he could not resist the temptation when he passed, but piece of copper to take a piece. He could go home that night & suffered the tortures of the damned, but that the feeling after a few days wore off and he could go and repeat the act.

The testimony of the witness being read over to him & found correct he was directed to retire, when Daniel Paine of Providence was called in and duly sworn.

Question by the Accused,
Are you a brother of Lieut. Thomas Paine, and what is his condition as to property?

Answer

Answer, I am a brother & his property is six or eight thousand dollars.—

The testimony of the witness being read over to him & found correct, he was directed to retire whereupon the Court adjourned until 10 o'clk, to morrow.

Saturday 19th Feby. 1848.

The Court met pursuant to adjournment, All the members & Judge Advocate present. The proceedings of Yesterday Feb 18th were read over by the Judge Advocate when Perser Marston Taylor was called in & duly sworn.

Question by Judge Advocate.

How frequent has been your intercourse with Lieut. Pinckney since the month of August 1847, and have you ever seen any thing in him indicating an insane or unsound mind?

Answer. I have seen him frequently since the month of Oct. when I was ordered to the Yard. I have not noticed him particularly since that period, but my intercourse became daily intimate with him from my first being ordered to the

the Constitution in Oct. 1843 up to the end of the Cruise in Oct. 1846. I have during the Cruise noticed things which appeared singular to me in his conduct. I can call to mind on one occasion, I spoke to him in regard to the issue of some clothing, his decision in the case was I thought ~~singular~~ wrong & unjust as he regards the issue of it, but I misapprehended his orders on that occasion. A few days afterwards, probably two or three days, as I came into the ward room he was sitting in his room, not being engaged in any thing, I addressed myself to him on the subject of the order which he had given me in regard to the clothing; I told him I thought that it was a singular decision of his, I then restated the case to him as it had occured & he then coincided with my views, and replied, Taylor my mind is in that state sometimes that I do not know what I say, or do. I have always noticed during the Cruise a hesitancy in his manner of giving orders or decisions that I might have brought before him, he appeared to be a great deal in thought whenever I spoke to him on duty and very seldom gave me a direct answer.

Question

Question by the Accused.

How long have yn known Lieut. Paine, & what has been his character for honesty & integrity?

Answer. I first saw Lieut. Paine in 1831 on board of the Peacock, but not been intimate with him untile since 1842, as for honesty and integrity I can only state to the Court that I had no clerk on board the Constitution, at a time it became necessary for me to get some one to attend to that duty, I frequently gave Lieut. Paine the key of the iron chest when I left the ~~chest~~ Ship, and he paid a large amount of money for me at different times some thousands of dollars, at one time I was ordered to Macao, to settle the bills of the Naval Store Keeper at Canton, in going down I told him that there were two or three thousand dollars due the Crew, all of which he paid, and I found perfectly correct on my return to the Ship. I always had the highest opinion of his honesty and integrity.

Question by the Judge Advocate,

Were yn led to suspect any tendency towards derangement in the accused while associated with him on board the Constitution?

Answer

Answer Yes Sir I had a certain recollection that at Mazatlan he had an attack in his head & on enquiring of the Medical Officers that morning they replied that if he had a recurrance of it, it might prove very serious to him and that his mind must be kept perfectly still.

Question by the Accused.

Did Lieut Paine ever say any thing to you about the state of his mind, being such as made him hesitate about holding his commission longer; If yea, what did he say & when did he say it?

Answer, after paying off the Ship in the year 1846 he said that his mind was in such a state previous to his sailing from the U. States in the Constitution, that he came very near resigning.

Question by the Accused.

Did he say what the difficulty with his mind was? If yea, please state what he said in regard to it.

Answer, No Sir the conversation was broken off by a remark from myself and nothing further was said.

The

The testimony of the witness being read over to him and found correct, he was directed to retire when Lieut. A. H. Foote Judge Advocate, U. S. Navy was duly sworn.

Question by the Court.

How frequent has been your intercourse with Lieut. Paine since the month of August 1847, and have you ever seen any thing in him indicating an insane, or unsound mind?

Answer. I have been in almost daily intercourse with Lieut. Paine since the month of August 1847, in my Office, & in the Yard, and never saw any thing in him up to the time of his going to the Insane Asylum, which led me to suspect that he was insane, or of unsound mind. Comdr. Tattnall mentioned to me on Saturday three or four weeks since that there was a report that Lieut. Paine had taken copper from the Yard & he had confessed it. I was so much astounded that with Capt. Tattnall I could not believe it, but on the following Monday Comdr. Tattnall was in possession of sufficient evidence to confirm the fact and I accompanied him to the Commodores Office, when he made an official report of the embezzlement.

Dunn

During that day I was wholly unable to account for the act, & felt exceedingly depressed, as I had long known Lieut Paine & esteemed him very highly both as an exemplary Christian and moral man. In the evening of the same day, I called at Dr Thompsons and after some conversation with him who had seen Lieut Paine, I concurred with him for his reasons assigned that Lieut Paine was insane, & must have been when he took the copper, and consequently there was no moral turpitude in the act. For among the reasons I considered that for so small a motive no gentleman could be induced to act as he had done, and especially so when regarding the exemplary religious and moral character of Lieut Paine.

Question by the Court.

Do you know the date, or near it when Gilman Willey was charged with having taken copper out of the Yard?

Answer. He was taken up, bound over to the Civil Authority convicted and sentenced on the 11th December 1844. for purloining copper from the Navy Yard.

The

The testimony of the witness being read over, & ~~him~~ and found correct, Dr. R. A. Thompson of Charlestown was called and duly sworn.

Question by Judge Advocate,

How frequent has been your intercourse with Lieut. Paine since the month of August 1847, and have you ever seen any thing in him indicating an insane, or unsound mind?

Answer. I have seen him half a dozen times at least since the month of August. I do not recollect myself of having observed any thing leading me to observe his insanity up to the time when I saw him at Mrs. Pickens in Boston, which day I carried him to the Insane Hospital. I asked Lieut. Paine that day many questions and after a full conversation with him, I was fully satisfied that he was an insane man, so strongly so, that I rose up & stepped up to some friends who said Dr. what do you make of this. I said at once, this man is insane, & immediately on my saying that, Mrs. Pickens said Dr. Jackson has been here, and he also says that he is insane. I told his friends that I would see

Dr.

Dr. Jackson & if he concurred we could at once take him to the Insane Asylum, not seeing him I took him there, and in the following morning Dr. Jackson approved of my course, & concurred with me in all my views.

Question by Judge Advocate.
Might not the fact of it being publickly reported that the Accused had purloined copper from the Navy Yard have caused from remorse and shame that state of mind which you seem to regard as insanity?

Answer, I think not for with my views I should regard the act as among the manifestations of insanity.

Question by Judge Advocate.
How long was the accused in your charge before you came to the conclusion that he was insane, and what were the symptoms leading you to this conclusion?

Answer, I think the whole time I was with him was two hours. There were symptoms in his case which to an experienced observer would induce the belief

conclusively that he was insane. I think I could not be mistaken.

Question by Judge Advocate.
Is the fact of his being insane now, or when you first saw him at Mr. Richens, conclusive that he was insane & of disordered mind when he embezzled the public property?

Answer. I am perfectly satisfied that he was insane when he took the public property.

Question by Judge Advocate.
Does an insane person ever show cunning for their misconduct?

Answer. Often the very deepest cunning.

Question by the accused.
How much experience have you had professionally with insane persons & the subject of insanity generally?

Answer. In the forty seven years of my professional life I have had extensive experience, before taking charge of the

McLean Asylum and since. I have been one of the Trustees & for five years for the State Lunatic Hospital Worcester & since & before, and during my life I have had far more experience on the subject of insanity than falls to the lot of most physicians of my age. Also had charge of the McLean Asylum for four months, and for many years have been one of the consulting Physicians of the general Massachusetts General Hospital of which the McLean Asylum is a branch.

Question by the accused.
Whether or not do you consider a person having no more knowledge of the subject of insanity than is usually acquired by medical men in the common ordinary reading of the profession competent to judge whether sanity, or insanity exists in any particular case?

Answer. I should think that such a person was not a competent witness.

Question by the accused.
Whether or not is it a common thing for a person to be so insane as to take away his moral responsibility for his

& etc

acts & yet so deport himself, & so conduct his business that the insanity would not be noticed except by persons practically acquainted with the subject?

Answer. It is a fact that a person may be so far insane as to take away the moral responsibility of his acts, I should say that the fact may exist, but it is rather to be called rare than common.

The testimony of the witness being read over & found correct he was directed to retire when Dr. Luther V. Bell of Somerville was called & duly sworn.

Question by Judge Advocate.
How frequent has been your intercourse with Lieut. Paine since the month of August 1847, & have you ever seen any thing in him indicating an insane or unsound mind?

Answer. My acquaintance with Lieut. Paine commenced on the 24th of last month. I have seen him daily up to the present day, & at various interviews have thought that I discovered evidences of disordered or deranged mind,

mind. Those evidences were the appearance or exhibition of great confusion of ideas, and some positive delusions. Of the latter on the second day of my having the care of him, in conversing freely with him about the abstraction of Government property, he expressed the idea that notwithstanding all that Lieut. Alden & others had said about the enormity of the offence that it appeared to him that the property was taken by permission or direction of the Government, that they expected him to pay for his dinner, & his fare back & forth from Providence from the proceeds of materials taken, & generally in his conversations on that subject there has appeared to me a want of sensibility as regards the immediate act of disgrace with which he was charged. He would seem to admit that it was he recognized it as a thing that was the occasion of great remark, but his remorseful feelings seemed to run in another direction. He expressed several times the opinion that he was about to lose his character, by some strange connection with a cargo of old materials which he represented to have been sent away, that he was suspected of some unaccountable wrong design in relation to that Cargo. His general manner, appearance & bearing are all such, as I should infer were peculiar to the instance. It would be difficult to express the exact peculiarities of his, without a very long detail. When I served the notice of this Court of Inquiry awaiting his presence, he

deemed

seemed to consider the whole of the next day to have the impression that the object of the proceedings were to separate him from his wife. I had great difficulty in persuading him not to come down to do what he could to prevent this taking place. On the real subject of inquiry his anxiety has been morbidly small. In one conversation with me when I introduced the subject of stealing copper plainly he said but very little about his own case, but gave me what I considered an unnecessary minute account of a man about the Yard who had been detected in such theft, how painful it was when he who had been appealed to by the man for a character, had been obliged to report him as a known thief & that he could not get that subject out of his mind for a long time. In his conversations with me he has incidentally alluded to some circumstances in the history of his bodily health, which being corroborated by enquiries from other sources on my part has led me to believe that he has been the victim of two slight shocks of apoplexy. That he now has feelings of & a passing of objects before his eyes, which indicate still cerebral or brain disturbances. As a matter of personal observation, I notice in him a good deal of intolerance of light & his right hand when the conversation is such as to produce any excitement, is uniformly carried to a certain

certain spot on the right side of his head.

Question by Judge Advocate

Might not the fact of it being publickly reported that the accused had purloined copper, have caused from remorse and shame that state of mind which you seem to regard as insanity.

Answer. I would reply to that that a great moral shock like this might have of course produced insanity in many men, nor am I able to discriminate by any symptoms of the individual himself, irrespective of the former history of the case whether his insanity arise from such a shock, or from antecedent causes, moral or physical, but this I do undertake to say, that there is a wide difference between the evidences of insanity presented by him, and any probable effects from mere remorse or shame, or in other words he is insane now whether caused by this or some other cause.

Question by Judge Advocate.

Does an individual insane ever show contrition for past misconducts

Answer

Answer. I should say frequently.

Question by the Accused.

Does insanity come usually one upon a person suddenly, or progressively and by degrees; & whether or not is it a common thing for a person to be so far insane as to take away his moral responsibility for his acts, & yet so deport himself, & conduct his business that the insanity would not be noticed except by persons practically acquainted with insanity?

Answer. Cases of instantaneous insanity or sudden outbreak are extremely rare, always when the patient arrives at that degree as to become a subject of Hospital treatment, evidences of mental alienation for considerable periods anterior are furnished by friends. Patients in recapitulating their own experience most generally describe a considerable interval in which their judgment controlled their morbid propensities. I should say that it is not unusual for persons under pretty wide degrees of aberation to give no palpable evidences to the world about them of their insanity, especially when circumstances check the manifestations. Men for example under the strict discipline of the State Prison. Men so far respect the rules of rigid silence and

and all so to the fear of
punishment as to control the wildest
delusions. The man who killed the
warden of the State prison of this
town was evidently so controlled by
this obedience to discipline as to
obscure obscure to a great degree the
evidences of his true state which
were afterwards abundantly demonstrated
by his conduct & conversation, under the
less rigid rules of an Insane Hospital
& finally by his suicide. I have also
under my care a Pay. Mid.n of the
U. S. Navy, whose history proved by
documents now in the Department will
show that he left the harbor of New-York
in the month of Oct in the Ship
Potomac, was in the habit of daily
intercourse on ship board, threw up his
warrant & left the Navy the following
March. A letter from Dr. Adee the
fleet surgeon to his friends alledged that
no evidences of insanity were presented
by him to any person on board, until
within two or three weeks prior to the
time of his quitting the service. On the
arrival of his baggage some Months
afterwards, a Journal of almost daily
entries was found, every page of which
gave so unequivocal evidence of his
having been the victim of the wildest
delusions from the day of his leaving
New-York, that the Navy Department did
not hesitate to declare that his resignation
was null & void, in consequence of his irresponsi-
bility

irresponsibility. I have had many analagous instances.

Question by the Accused.

From your examination into the case of Lieut. Paine is it your opinion that if he abstracted copper from this yard in small quantities of 4 or 5 lbs each during the two or three months immediately preceding his admission to your Hospital, that he is morally accountable for those acts?

Answer. Taking into view the character of the man, the nature of the act, the diseases to which he had been subjected, & the symptoms manifested by him since he has been under my observation, the best opinion I could form would be that he is not morally accountable for those acts.

Question by the Accused.

Please state what experience you have had with insane persons & the subject of insanity generally?

Answer. Most of a professional life, over twenty years has been devoted to this Department of medicine. I am now & for the last eleven years have been the Physician & Superintendant of the McLean Asylum for the Insane, the

average number of inmates of which for late years has been about one hundred & seventy five, or a total of about fifteen or seventeen hundred under my care.

Question by the Accused.

Whether or not are Physicians who have given no more attention to the subject of Insanity, than Members of the Medical profession usually give to it, are competent judges of the question whether insanity exist in cases not very clearly defined?

Answer. That other things being equal the capacity of judging would depend on the extent of experience, a Physician who has given little or no attention to the subject of insanity, would not in my opinion be a more competent judge than any other person of equal intelligence.

The testimony of the witness being read over & found correct he was directed to retire when the Court adjourned until Monday the 21st Inst. at 10 O'Clock A.M.

Monday Feb. 21st 1848.

The Court met pursuant to adjournment. All the Members & Judge Advocate present.

The

The Judge Advocate read the proceedings of Saturday the 19th inst.

The Judge Advocate stated to the Court that he had no further testimony to offer.

And the Accused stated that he had no further testimony to offer, whereupon the testimony was closed.

The Counsel for the Accused informed the Court that he would be prepared with the defence for the Accused to morrow whereupon the Court adjourned until 11 A.M. to morrow Feby 22d.

Tuesday Feby 22d 1848.

The Court met pursuant to adjournment. All the Members & Judge Advocate present.

The Counsel for the Accused was informed that the Court was ready for his defence, whereupon the Counsel read the defence, which is annexed, when the Court was cleared, and the Judge Advocate read over the Minutes of the proceedings in the case of Lieut. Amasa Paine, whereupon the Court after due deliberation, decided and agreed upon the following statement of fact and opinion

It appears that Lieut Amasa Paine did embezzle public property to a small amount belonging to the government.

It

(749)

It is the unanimous opinion of the Court, that said embezzlement of public property did not result from criminal motives on the part of Lieut. Rhind, but from insanity, or from an unsound state of mind.

The Court adjourned "sine die".

A true copy of the proceedings and Record.

Attested (Signed) John Downes, President
A.A. Fork, Judge Advocate.

Dear Sir, Nov: 15th: 1849

I went to the Navy Yard to see the widow & fatherless, & when I arrived at the Dept. the Secy had gone to Cabinet. I watched his return & have now 3 P.M. just come from his room after procuring an order to Genl Henderson, to detail from the Navy Yard at Norfolk or the Recg Ship, or both - 5 Privates & one Corporal for the Brig Perry. Etheridge tried this morning but could not bring the Secy up to the scratch. - Sorry you could not stop longer, but if you have your purser the sooner you are off the better. I hear nothing further from Mr Watmough. If he don't go you will have to take the person you wished to avoid, Mr W; but, you may work a good work upon him & make him better & better.

Dahlgren is just in. & unites his regards - I have no news

this morning of any kind,
Yours in haste
Jos. Smith

Lt Comdg U.S.N. Post
Comfort & Brig Perry
Norfolk Va

Navy Yard
Boston April 19th 1848.

My dear Sir

You will permit me not merely as a member of the family, but one who from experience can in a measure realize the desolation of heart at the decease of a child, to mingle my grief and sympathy with your's. God in his wisdom has taken away a blessing, and however strong the attachment of parents & friends may have been and the greatness of the pecuniary loss which meets the eye, still the time will come even in this life when parents & friends will realize in this affliction not as a mercy in disguise and even more, they will be enabled to say "Thy will be done" in the spirit of resignation and true joy, as they is proven removed from temptation sin and sorrow which Lucy knew the path of the living.

I regret, most deeply not having had the opportunity of spending more time

time with Emily in New Haven but ~~[illegible]~~ Augusta's acquaintance with what I saw myself enabled me to appreciate her mind & character and these while they rivet the affection of friends & give additional poignancy to grief [illegible] they cast upon her? do they not exalt the possessor in the life to come far more than they could contribute to the happiness of earthly friends had they longer been spared her society? but I doubt not that you already are realising in her decease every thing to soften & temper the bereavement.

I should have written immediately on receiving the intelligence from Aunt Williams, but was making our preparations to meet you in New Haven, under the impression that you would embark in the Steamer of the 15th inst. I should in that event have gone on myself and will whenever you may return, if the duties of the yard will possibly admit. Augusta loved her sister with that intensity which unfits her for writing & the family will appreciate her silence.

A letter postmarked 15th inst. has just been handed to me and there not being time to send it to the house before the mail closes, I have opened it for the purpose of noting any points which may be required. I am myself and I know that Augusta in reading the letter will also be greatly consoled in reflecting upon the remarkable christian like spirit evinced by our dear sister for a long time past towards the close of life and in her last moments. We all certainly have reason to say, Thanks be unto God, for this fresh instance of His goodness and loving kindness. Augusta will be disappointed at your not returning at present as I had proposed ~~[illegible]~~ that Maria should come on and spend the remaining portion of our time with us. It would we thought divert her mind and enable her sooner to rally from that prostration induced by such length & faithfulness of of service in the chamber of illness, still if there should be considered any risk on account of our climate, we shall regard your decision judicious and anxiously wait to meet you all when you do return

return and in the mean time [illegible]
me pray that Heaven's choicest blessings
may attend you.

Our love and warmest sympathy.

Truly Yours

A. H. Poole

Augustus Russell Street Esq.
Charleston
S.C.

Copy No 5

R. de Janeiro April 29. 1819

Dear Sir

To my knowledge there has been no vessel dispatched for Mocambique since I have been here I am stopping this day with Raymonde Smith he thinks the French Barque from Ambriz comes to hand, will be here in a few days, and as yet he has no instructions as to her taking Ivory, thinks she will be laden, and by the 20th May leave for Rio with what Passengers may offer, he also informs me they the Whig was in Rio and owing to Vacancies from thence coming hence, will be here in the course of thirty days I think we shall get away from this Coast in the course of the next three weeks

From the Rio papers which I have seen I infer that hemp is pretty fair at that place The Ill Brig Lawrence had arrived at Rio & Frigate Franklyn had gone down to the Salt Flats the Sloop Erie had arrived from thence at Rio the Brig at Cowes had touched there from the Pacific Sailed for the States the American Barque "Irving" had been condemned and was advertised to be sold at auction, all the old Stand Ships had gone my friend Washburn in the "Snow" had gone down to the Rio Plate in ballast as I think for this Coast, but this is only Surmise, It is thought here the Brig Susan with being a good prize as she had Water Casks Sloop had sold the "Fleet" and she was put under the Bengalese flag and gone round the Cape of Good Hope the name of the Brig at which Barnes came passenger and the Schooner Capt Nichols

624

Copy No 5

P. D. Lenha April 29. 1849

Dear Sir

To my knowledge there has been no launch dispatched for Moanda since I have been here

I am stopping the day with Raymond since he thinks the French Barque from Ambriz comes to him, will be here in a few days, and as yet he has no instructions as to her taking Ebony, thinks she will ballast, and by the 20th May leave for Rio with what Passengers may offer, he also informs me that the "Whig" was in Rio, was going to Pernambuco from thence coming here, will be here in the course of thirty days— I think we shall get away from this Coast in the course of the next three weeks—

From the Rio papers which I have seen I infer that business is pretty fair at that place The US Brig Lawrence had arrived at Rio & Frigate Brandywine had gone down to the La Platta the Sloop St Louis had arrived from thence at Rio— the Frigate Congress had touched there from the Pacific & sailed for the States— The American Barque "Quincy" had been condemned and was advertised to be sold at auction, all the old stored type had gone— My friend Washburn in the "Snow" had gone down to the Rio Plata in ballast as I think for this coast, but this is only surmise, It is thought here the Brig Susan will bring a good price as she had Water aboard— Clapp had sold the "Flood" and she was put under the Brazilian Flag, and gone around the Cape of Good Hope— The name of the Brigantine in which Barnes came passenger was the Soliel Capt Nichols

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(She was, as we a
believe I have n
American Vessels
the Papers—

Mr H M Merrill
Moanda Mue

Mr Merrill
Dr Sir

had a jolly time
& Van Zyll especi
were very cordia
was very glad I
to see me for some
to Rio, and that
he goes down—
but it is uncerta
know in a few da
here very soon, b
certainty of ope
not taking Ebony
do us no good—
Ambriz & will be
it is not known
days if all these
fail us, and no
he shall send u
upon our leaving

(She was, as we are told formerly the Boxer) I believe I have now given you the news of American Vessels - as I have gleaned them from the papers -

With all respect
Yours
Richd J. Cunning

Mr H. M. Merrill
Moanda Muesi }

No. 6

P. D. Lenha. April 28th 1849

Mr Merrill
Dr Sir

Arrived here yesterday at 5 pm had a jolly time coming up - found Santos & VanZell expecting me, and by them both were very cordially received - Mr S told me he was very glad I had come up for he had wanted to see me for some days in relation to my getting to Rio, and that it was very uncertain when he goes down - The Schooner Morris is in Loango, but it is uncertain what she will do, shall know in a few days. The French Barke is expected here very soon, but I find there is not the same certainty of opinion existing here as to her not taking Ebony. My opinion is that she will do us no good - There is a Sardinian Barke at Ambriz & will be here in the course of ten days, it is not known what she will do - Mr Santos says if all these vessels which I have named fail us, and nothing turns up in the mean time he shall send us to Loando, so you may rest content upon our leaving this delightful Country in

in the course of all next month. I had the pleasure of overhauling a file of Rio papers from the time of our sailing up to Feby 15th and by the movements of American vessels reported arriving & sailing, picked up some little information which I will give you an idea of. firstly for the Africans saw but 2 Clearances for A— Bark Ann Richardson and Brig Susan both of which have been sent home I presume by the Brig Perry as I saw her reported going in & coming out every few days. The Independence cleared for Parraguas, several of the American vessels were cleared & had sailed for Montevideo, Pernambuco etc in ballast and as I suppose bound niggerly; but where the hell they are is the big business of the matter. American vessels were arriving & sailing every day from Rio — the Schr Mary was 29 days returning to Rio from Loango on her last voyage as we may leave the coast at a moments notice I would not like to have that after promising—

The sailors as yet have not been near me. I have seen them at a distance I shall give myself no trouble about them. I am told they are all well, but they look like death itself. O Z tells me they have wished a hundred times in his presence that they had gone in the ship. for my part I wish they were in hell, texas or some other nice place.

Allow me to caution you to be very careful of your dirt. we may have to Launch it up to Loando, There is a Launch which came from Loando going down river on her way to L. with the 500 Kegs of Powder destined for Ambriz

Mr Santos tells me Flores is very angry

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Mr Santos tells me Flores is very angry

with him for sending the Ship from here, but
Mr S laughs— Bevans only came down here for
a ruse, he was all ready to take in, but was
driven off the track by one of the Eng. Cruisers
he and his nigger crew were under deck out
of sight, when visited by the Cruiser— write
to me in the course of a few days— and in con-
-clusion let me again impress upon you to
be careful of your health

Yours resp'y
Richd Horning

No 7

Sunday May 10th 1849

Mr M

Dr Sir

Mr Vanzella & myself are going
to Embomma to day. Think we shall stay there
but 3 or 4 days— shall remain here a day or
two after our return & then go to Moanda.

The Sand^l Bark has got afloat again—
suppose she will be up here this day it is
uncertain what she will do— but I am
pretty confident that she will not offer
me an opportunity to go to Rio in her—
I find the weather here hot & sultry all the
time, the atmosphere — — with the exception
of that of Moanda. for this reason I
am anxious to get back there again

Yours truly
Richd Horning

To Mr W McMurrell
(Moanda)

Copy

Rio 23. 1819

Capt Wm Merrill

Dear Friend

I hoped to have met you ashore to day but I have been disappointed and regret exceedingly that I must leave without saying the parting farewell - Do not fail to write me before you sail - Address to the care of Gates & Stedman 116 Nassau St. N York.

Accept my sincere wishes for your success in life - and nothing [illegible] your health & prosperity

I remain

Your sincere friend

Richd Fanning

No.

Tolpohead Oct 6 th 1847

Dear Brother

You left this morning without my seeing you which I meant to have done, I wrote you 10 days ago but was at Plymouth Conference I wrote you respecting the money I spoke to you about if you can let me have the hundred dollars it will be a great help to me, you can send it in a letter but get as large bills as possible that the party may not see you put it in the letter I shall if - You shall have your money when you want it

From your brother

Joseph

Mr Henry Merrill

Falmouth Mass

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(Private)

October 15th 1862

My Dear Sir

I have yr two letters of the 11th inst. I have done my best with the Skipper in this, & your convenience, but I can't make a dent upon him. He says he will order a purser this way, but no person whatever, & no thing not in the allowance book will be granted to you. I wanted to have Kelly — you remember him in the Cumberland as qr master — ordered to you as act'g Bosun. he was in the Kitty when she was stranded & never left the helm for 29 hours. he has been thro' the Gulf war as act'g Boats'n of a small craft & is now act'g Master at N. York — but it was no go — I am a little disap'td in your orders to the Perry, for I wished to hold you back on shore duty till I went to sea, but the Sec'y pounced at you the moment he discovered you were

627

well enough to Commodore. We
want such persons as myself
to represent us abroad (& them
too) & your aid to Gregory will
be particularly opportune. You
are a better man & better Christian
than I am, therefore it would be
useless for me to tender advice.
Before you take command from
the Navy Yard, think [illegible] volunteers
to Commodore [illegible] letters, if
you can get them [illegible], to obtain
[illegible] it, [illegible] the [illegible]
kind [illegible] if not, get as soon
as you can [illegible] flag [illegible],
accordingly, the [illegible] fuel.
Keep up your regular Sunday service
& others if convenient, Saturdays for
mending day & Sundays for [illegible]
& reading. Let each officer learn to
know his place & duty & impose as much
responsibility upon [illegible] & petty
officers as they will bear, & your
command will be happy, healthy & efficient
in proportion as they are made to engage
with all their mind & energy in all their
duties & are made to feel that their
[illegible] is reposed on them,

Do not spare the lash when the exigency
calls for it, & discard it & [illegible]
as many [illegible] around it as
will make its use a matter of some
[illegible] & absolute necessity.
As to etiquette, you are most as
[illegible] to it as I am. Should
you meet a flag ship at sea, heave
up courses, down lift & salute.
When you arrive in port, send
aboard to our Consul & offer him a
conveyance on board & salute him when
he comes off. Consul General [illegible]
When a foreign ship sends a boat to
offer services &c. send aboard to
acknowledge the compliment, & [illegible]
afterwards pay your respects in
person. The [illegible] received, salute
first, (except our own flag officers) & call first. — Salute the place
first & afterwards the Flag Officer
if any in Port. —
I am exceedingly perplexed just
at this moment preparing my estimates
& report for Congress. I shall certainly
call on [illegible] if you [illegible] at [illegible]. Tell
her to call upon me for help & comfort if
she should want it. Don't forget to have
my [illegible] & [illegible] fixed right. The [illegible]
[illegible]

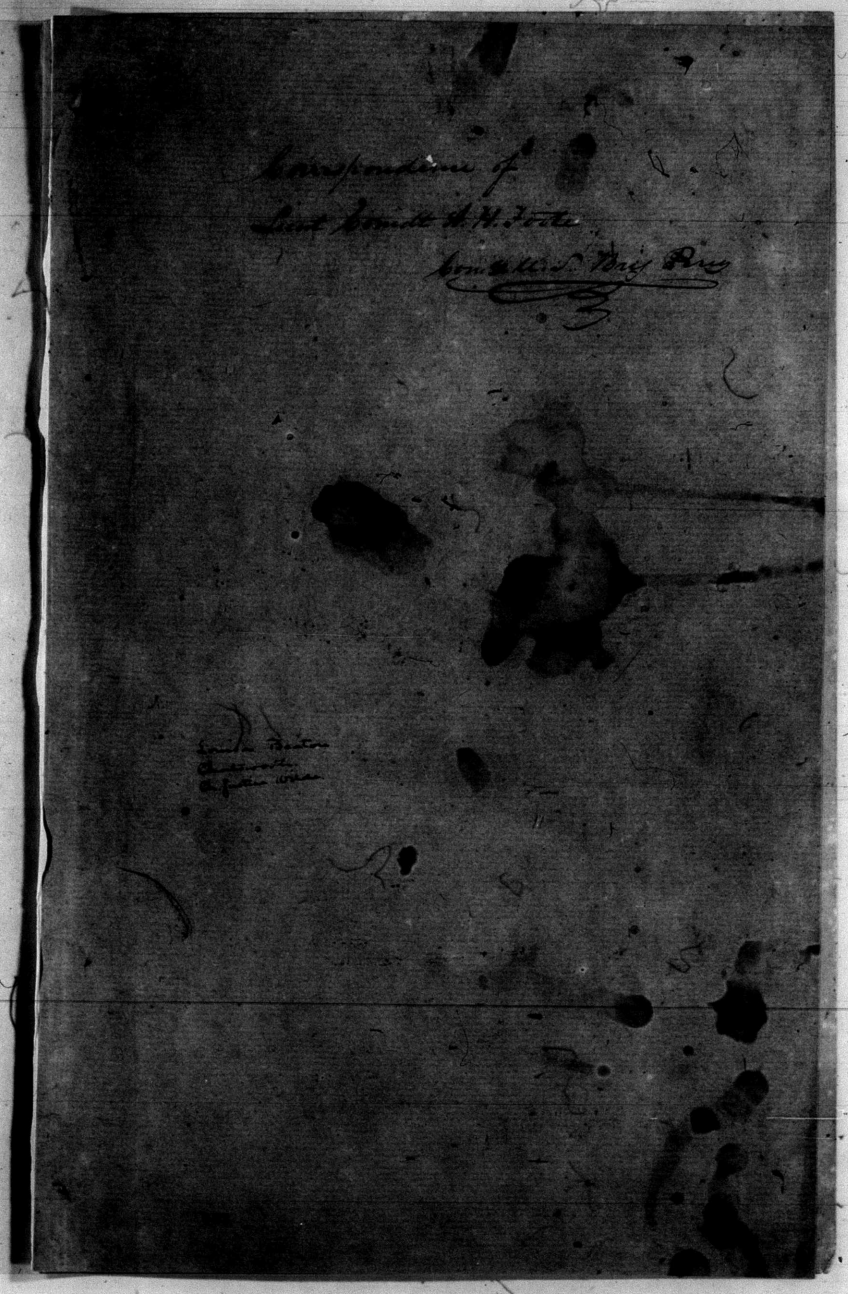
Oct 15th 1849

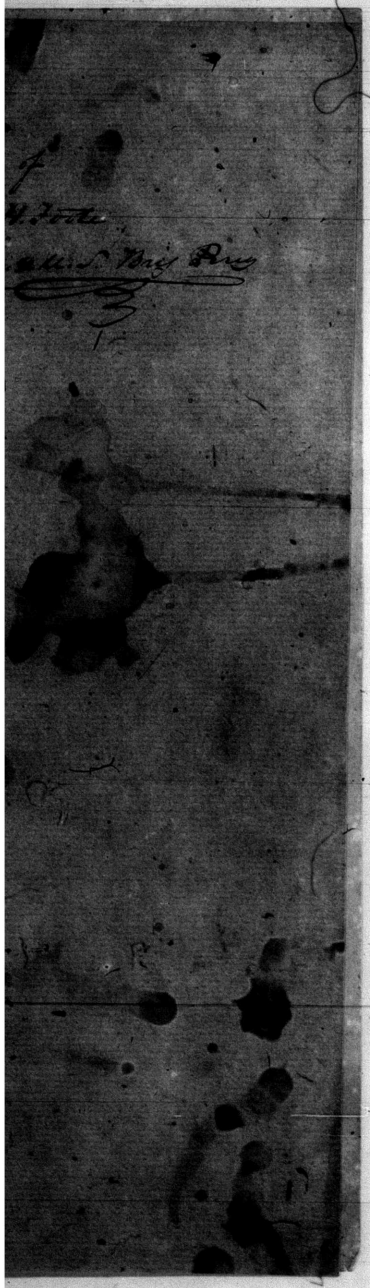
to extend down between the timbers so as to draw all the water out to [illegible] & then keep it out. You know my theory & experience in this matter, that the carbonic acid being heavier than air decends & all the wind sails in the world can't blow it out of a ship's bottom, it must be lifted & every man in a ship generates about 3 oz. pr day.

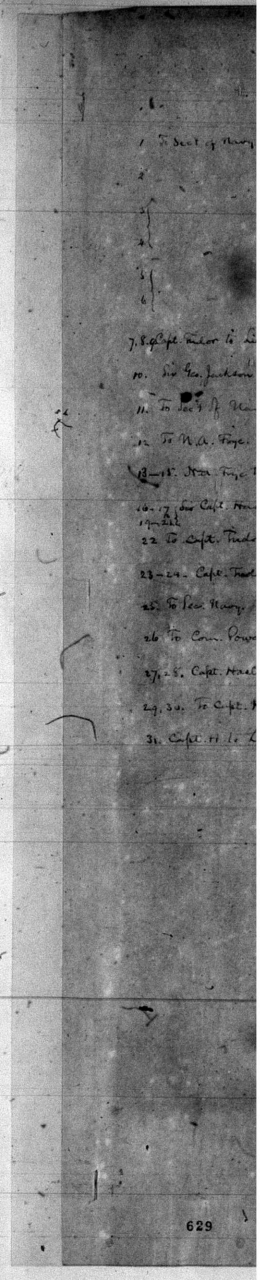
There is an order from the Bureau to fit this apparatus to every ship of war. the difficulty is in having them properly fixed. Write to me occasionally. Believe me very truly your friend & servant

Jos Smith

Lt Comg A. H. Foote
Comg U S Brig
Perry
Norfolk Va


Correspondence of
Lieut Lewis H. Pitts
from Miss Mary Perry





V

Jan. 1850 –
April 1850

1 To Secy of Navy

2

3
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7, 8 Capt. Tudor to Lieut Force.

10. Do Lieut. Jenkins "

11. To Secy of Navy.

12 To M.G. Foye.

13–15. Capt. Foye to Lt. F.

16–17 Do Capt. Hastings to Lt. F.
19–21

22 To Capt. Tudor.

23–24. Capt. Tudor to Lt F.

25. To Secy Navy.

26 To Com. Powell. Lt. Bo

27–28. Capt. Hastings to Lt. F. "

29, 30. To Capt. Hastings "

31. Capt. H to Lt. F "

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Jan 1850 –
April 1850

630

St Helena 20 Jany 1850

Sir

I arrived at this Island on the 26th Instant in the Prize Barque Pilot of Boston seized by you in the roads of Ambriz under the peculiar circumstances of being a Brazilian Slaver with an American Ensign, and forged papers, I am about to state the substance of various conversations I had with two American Seamen taken Prisoners in the Barque as I deemed it my duty to glean every possible information regarding the Slave Trade, and more especially regarding the shameful prostitution of the American Flag in the infamous traffic.

I have every reason to credit the following statements regarding the Slave Trade, and the equipments of vessels under the American Flag, for that Trade as I find the accounts given by one, have in the main point corroborated that given by the other, and I do not imagine they could have any object in deception.

For the first place they represent that they were in a measure "Kidnapped", the owner of the lodging house where they were staying in Rio, offered to get them a Ship bound to the United States, but at that time loading at Victoria, a harbour to the Northward of Cape Frio; they agreed to ship, and on being paid advance, proceeded on board a small Steamer, which conveyed them outside the harbor of Rio, when they were transhipped to a small Schooner in company with a number of

The Hon G F Hastings
Captain R N &c &c &c

630 By Copy

(See letter from Hastings to Foote, Mar. 24, 1850 #652)

St Helena 20 Janry 1850

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Foote, Mar. 24, 1850 #652

631

of Brazilians, and in a few days arrived at Victoria; on joining the Pilot they discovered her true character, but were not allowed to go on shore, and promised a good reward (150 Dollars) on their arrival in Africa with the option of returning in the vessel, or having their passage found in another. They stated that they had never seen an American Consul, as of course the Register, which stated the crew were shipped in his presence, was a forgery. The port Victoria is I think marked on the Chart Espirito Santo, it is solely frequented by Slavers, there being a factory & a small yard for rigging &c.

The owner of the Pilot is the celebrated Don Juan Manetta, or the one armed man, and esteemed the richest in the Brazils: the "Prudentia" & "Serpente" Steamers belong to him, and to his boast that not a week passes that a full slaver does not land on the Coast. He owns 7 or 8 Vessels under the American Flag, which he has bought in Rio, and whose papers are all forgeries, to wit. Pilot of Boston, she is stated to have been sold in Rio in March 1848, according to certificate signed by Mr Gorham Parks, Consul for the United States at Rio, which the sequel will prove must have been a forgery. The true Pilot of Boston was wrecked many years ago, but her Spars and tonnage corresponds to this vessel, whose original name, I am led to understand was Red Rover, she has been many years in the Slave trade under the Brazil flag, having made some nine clear voyages, the last under the late master Mr Myers, who landed at Ambriz with his flag and papers, and shipped a thousand slaves, her name was then Voltaire and differently painted. The Captain Smith an American is the consignee of these Vessels, bearing his Countries flag; it is his duty to

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631

to obtain Masters, Crews, flag, and his percentage on all Slaves landed that have worn the US Flag. "Pilot" was fitting at Victoria were likewise fitting there for under the United States Flag the former, since captured by Slaves, and there vessels sunk the Brazilian flag, having landed outside the Fort.

"Pilot" made the African Coast when she was boarded by a boat looking for her, and an American By the chart she anchored in 11 Fms, but there were no Slaves as had been shipped a few days two Espirito Schooner "Pilot" to sea for ten days, and in near Sand Bank, was again to sea for 2 or days, in company "Star" and "Pluto" being then on anchoring at the latter January was captured by "Q to have shipped 1200 Slaves prepared at Ambriz for the Steamer, but that vessel was Santos, being strictly blockaded Cayenne.

I have the
Sir
Your
(Signed) R

453-a

Murray 18
19

30

to obtain Masters, Crews, Flag, and Papers, and he gets
his percentage on all Slaves landed from Vessels
that have worn the U.S. Flag. During the month
Pilot" was fitting at Villana two other Vessels
were likewise fitting there for the Slave Trade,
under the United States Flag, viz Calco & Soon
the former, since captured by "Pluto" with 450
Slaves, and these vessels entered the harbor under
the Brazilian flag, having landed their Slaves
outside the Fort.

"Pilot" made the African Coast near Benguela
when she was boarded by a boat which had been on
the lookout for her, and an American Brig for 10 days.
By the chart she anchored in Bahia Longa on Dec
but there were no Slaves ready for her as 800
had been shipped a few days previously in a
to Espiritu Schooner. "Pilot" was then ordered
to sea for 2 or 3 days, and in making the land
near Point, was again boarded and ordered
to sea for 2 or 3 days, in consequence of "Firefly"
Star" and "Pluto" being then at Ambriz, and
anchoring at the latter place on the 10th
January was captured by "Cyclops". "Pilot" was
then shipped 800 Slaves which had been
prepared at Ambriz for the "Penitentia" Slave
Steamer, but that vessel was unable to leave
Benito, being strictly blockaded by H.M.
Squadron.

I have the honor to be
Sir
Your Obt Servant
(Signed) R Drew
Lieutenant

missing 18
19

GENERAL ORDER.

Sanatary Regulations for the U. S. Squadron on the Coast of Africa.

1. No officer or man will be permitted to be on shore, before sunrise or after sunset; or to sleep there at night: this rule to apply, not only to the continental coast, but to the Cape de Verd Islands.
2. No U. S. vessel will ascend or anchor in any of the African rivers, except upon imperative public service.
3. Boat excursions up rivers, or hunting parties on shore, are forbidden.
4. Vessels, when possible, will anchor at a reasonable distance from shore: far enough not to be influenced by the malaria floated off by the land breeze.
5. Convalescents from fever, and other diseases, when condemned by medical survey, are to be sent to the United States with the least possible delay.
6. When the general health of a ship's company shall be reported as impaired by cruising upon the Southern or Equatorial portion of the coast, the earliest possible opportunity will be given them to recruit, by transferring the ship, for a time, to the Canaries or other windward islands of the station.
7. Boat and shore duty, involving exposure to sun and rain, is to be performed, so far as the exigencies of the service will permit, by the "Kroomen" employed for that purpose.
8. All possible protection from like exposure is to be afforded to the ship's company on board; and the proper clothing and diet of the crew, as well as the ventilation and care of the decks, will be made a frequent subject for the inspection and advice of the medical officers.
9. These regulations are to be considered as permanent, and each commanding officer of the Squadron, on retiring from the station, will transfer them to his successor.

WM. BALLARD PRESTON.

NAVY DEPARTMENT, *January* 23, 1850.

632

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Navy Department, *January* 23, 1850.

Sanitary Regulations

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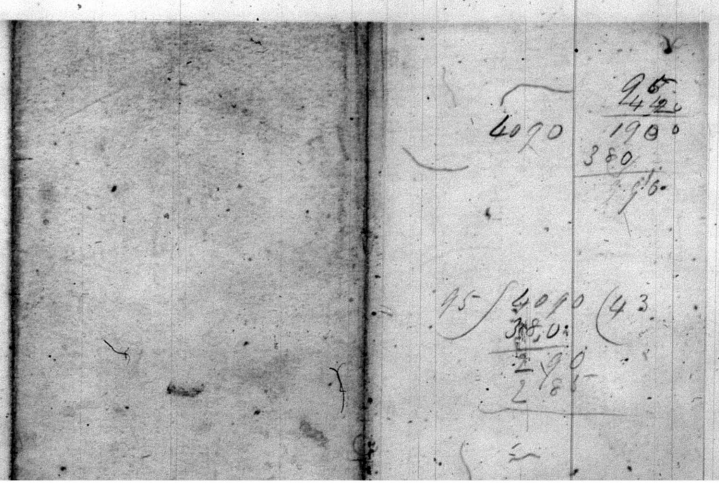

U.S. Brig Perry
Monrovia January 24th 1857

Sir

I have this instant arrived after ten days passage from Port Praya, and in pursuance of orders from Comm'r Gregory shall proceed as soon as mail mate and fifteen days additional provisions, which the Yorktown has for us, are secured on board.

I have the honor to be
Very Respectfully
Your Obt Servt
(signed) Andrew H Foote
Lt Comdg

Hon. Wm Ballard Preston
Secy of the Navy
Washington
D.C.

1850, Feb 2

General Order

At a Naval General Court Martial convened on board of the U. S. Ship "John Adams" on the thirty first day of January 1850 for the trial of James Glynn and such other persons as might be brought before it — The following Charges and Specifications, were preferred against James Glynn Seaman by Commodore Ch. W. Gregory — To wit

— Charges and Specifications of Charges, preferred by Commodore Ch. W. Gregory — Commanding U. S. Naval Forces, East of Africa against James Glynn, Seaman of the U. S. Navy now serving on board the U. S. Ship "John Adams" —

Charge First — Speaking with contempt the authority being in the execution of the duties of his Office —

Specification —

In this, that the said James Glynn Seaman did on or about the twenty second day of January 1850 while the U. S. Ship "John Adams" was lying at anchor in the Roads of Port Praya use the following unbecoming contemptuous, and disrespectful words, to Thomas Bond Wainwright Pass'd Midshipman in the Navy of the U. S. and the true Officer of the deck of the said U. S. Ship "John Adams", to wit "Lord damn you" and "You may go to hell" or words to that effect — Being in violation of that part of the Thirtieth Article, in the Rules governing the Navy, which relates to the use of "reproachful or mutinous words" or "disobedient and contemptuous behaviour, being in the execution of his Office".

Charge Second — Inattention and striking a sentinel on post —

Specification —

In this, that the said James Glynn Seaman, did at the time and place set forth in the Specification of the first Charge, use provoking and reproachful words and

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(Menaces

mericans to Passed Midshipman F. B. Manning to shoot "You may go to Hell" "God damn You" or words to that effect and to Nelson Smithson acting Corporal of the Guards to wit "I mind as soon shoot you as the admiral", words to that effect.

Specification Second

In that he, the said James Flynn, did on or about the time specified, in the specification to the first charge, while private R. McAuliffe was the sentinel on post, in charge of the said James Flynn, seaman, as aforesaid - all being in violation of the Rules, Regulations, and Laws & usages of the Naval service of the United States.

(Signed) S. H. Gregory
Court U. S. Naval Forces
West Coast of Africa

And the Court

After due and careful consideration of the Testimony which had been given, the Court found that the Specification of the first charge had been proved, and the accused was Guilty of the 1st charge -

and the Court also found that the 1st and 2nd Specification of the 2nd charge had been proved and that the accused was Guilty of the Second charge

And the Court sentenced the accused James Flynn to receive fifty lashes of the Cat-of-nine-tails on the bare back, at such time and place as the Commander-in-Chief of the Naval forces on the Coast of Africa may direct; and to be discharged from the service of the United States, without a character, the charges and Specifications and the finding and sentence of the Court to be read, in front of all the Vessels of the African Squadron

(Signed) S. H. Powell Commander & President
(Signed) E. Park Commander
(Signed) A. S. Slaughter Lieut.
(Signed) H. Pinckney Lieut.
(Signed) Wm. McKenzie Jr.
(Signed) J. C. Rich
Lt. and Judge Advocate

A true Copy

Flag Ship 1st Feby 1850

T. W. Bryson
Comdg Afn Squad

Commander Louis M. Powell, Comdg U. S. Ship "John Adams" -

You are hereby ordered, and directed to carry into execution the foregoing sentence of the Genl. Court Martial - in the case of James Flynn seaman on board the U. S. Ship "John Adams" - as soon after the receipt of this Order, as may be convenient - by causing this General Order, to be read, at the Masts of the Crew and punishing the said James Flynn, according to the sentence of the Court Martial - with fifty (50) Lashes - at the gangway of the said U. S. Ship "John Adams" and discharging him from the service.

Given and Signed, under my hand - on board the U. S. Ship "Portsmouth" in Port Praya this second day of February 1850.

T. W. Bryson
Comdg Afn Squadron

Proceedings of a Court
Martial ordered aboard Ship
Ann Adams 31st January 1850

U S Brig Perry
St Philip de Benguela ~~4~~ 6th March 1850

Sir

I have this instant arrived after a passage of forty one days from Monrovia during which have chased and communicated with three vessels two English and one American.

I have exchanged salutes with the authorities on shore and paid my respects to the Governor who has signified his intention to reciprocate the civility on Monday the 11th instant, after which I shall proceed down the coast towards the Equator making close examination in shore for the purpose of ascertaining if there are slavers sailing under the American flag.

It having been intimated to me that our Merchant vessels are subjected to greater commercial restrictions than would have been the case had a Government vessel occasionally made her appearance, I have intimated to the Governor that our men of war would probably visit this part of the coast more frequently than they have done for the last few years. The Barque Catharine of Salem laden with Gum Copal, Ivory, Beeswax & Palm Oil is the only American vessel in port.

If I am able to collect more authentic information I shall communicate to the Dept the circumstances attending the capture of the late American Brig said to be called the Carnation, by H. M. Brig Waterwitch five days before my arrival on the coast. In this case it appears from what I have been able to learn, that the Brig came from Rio de Janeiro under American Colors & papers with an American Captain & crew, & was here transferd to a Brazilian Capt & crew, the American Capt going on shore with his crew & papers. The Carnation had seven hundred & fifty slaves on board, & on being captured was sent to the Island of St Helena.

I have the honor to be
Very Respectfully Sir
Your obt Servt
(Signed) Andrew H. Foote
Lt Comdg

Hon. Wm Ballard Preston
Secy of the Navy, Washington D.C.

U.S. Brig Perry
St Philip de Benguela 7th March 1850

I have this instant arrived after a passage
ty one days from Monrovia during which have
ed and communicated with three vessels two
sh and one American.
I have exchanged salutes with the authorities on shore
id my respects to the Governor who has signified
ntention to reciprocate the civility on Monday the 11th
, after which I shall proceed down the coast
ds the Equator making close examination in
for the purpose of ascertaining if there are
s sailing under the American flag.
It having been intimated to me that our Merchant
s are subjected to greater commercial restrictions
would have been the case had a Government
occasionally made her appearance, I have intimated
Governor that our Men of war would probably
this part of the Coast more frequently than they
done for the last few years. The Barque Catharine
laden with Gum Copal. Ivory. Beeswax & Palm Oil
e only American vessel in port.
able to collect more authentic information I shall
nicate to the Dept the circumstances attending the capture
late American Brig said to be called the Coronation, by the Br
teenth five days before my arrival on the coast. In this
appears from what I have been able to learn, that the Brig
Rio de Janeiro under American Colors & papers with an American
ew, & was here transferred to a Brazilian Capt & crew, the
Capt going on shore with his crew & papers. The Coronation had
ndred & fifty Slaves on board, & on being captured was sent to the
of St Helena.

I have the honor to be,
Very Respectfully Sir
Your obdt Servt
(Signed) Andrew H. Foote
Lt Comdg

Ballard Preston
f the Navy, Washington D.C.

U.S. Brig Perry
St. Philip de Benguela March [illegible] 1850

Sir

I have this instant arrived after a passage of forty one days from Monrovia, during which have chased and communicated with three vessels, two English and one American.

I have exchanged salutes with the authorities on shore and paid my respects to the Governor, who has signified his intention to reciprocate the civility on Monday the 11th instant, after which I shall proceed down the coast towards the Equator making a close examination in shore for the purpose of ascertaining if there are slavers sailing under the American flag.

It having been intimated to me that our Merchant veſsels are subjected to greater commercial restrictions than would have been the case had a government veſsel occasionally made her appearance, I have intimated to the Governor that our men of war would probably visit this part of the coast more frequently than they have done for the last few years.

The Barque Catharine of Salem, laden with Gum Copal, Ivory, Beeswax & Palm Oil, is the only American veſsel in Port.

If I am able to collect more authentic information

U.S. Brig Perry
St Philip de Benguela March [illegible] 1850

I have this instant arrived after a
ge of Forty one days from Monrovia, during
h I have Chased and communicated with
vessels two English and one American
I have exchanged salutes with the authorities
here and paid my respects to the Governor.
He expressed his intention to reciprocate the
ute on Monday the 11th instant, after which
ll proceed down the Coast towards the
making a close examination in shore for
purpose of ascertaining if there are Slavers sailing
the American flag-
It having been intimated to me that our
nts vessels are subjected to greater commercial
tions than would have been the case had
rnment vessel occasionally made her appearance,
intimated to the Governor that our men
would probably visit this part of the coast
frequently than they have done for the last
ears-
Barque Catharine of Salem, laden with Gum
Copal, Beeswax & Palm Oil, is the only American
in Port-
If I am able to collect more authentic information

the circumstances attending
I shall communicate to the Department the capt
of the late American Brig said to be named the
"Coronation", by Her Majesty's Brig Waterwitch, five days
before my arrival on the Coast; In this case it ap
from what I have been able to learn, that she
came from Rio de Janeiro under American Colors an
papers with an American Captain and Crew, an
was here transferred to a Brazilian Captain an
crew- the American Captain going on shore with h
Colors and papers. The Coronation had seven
hundred and fifty Slaves on board, and on being
captured was sent to the Island of St Helena-
I have the honor to be
Very Respectfully Sir
Your obt Servt
Andrew H. Foo
Lieut Com

Hon. William Ballard Preston
Secy of the Navy
Washington
D.C.

the circumstances attending
I shall communicate to the Department the capture
of the late American Brig said to be named the
"Cornelia" by Her Majesty's Brig Watermitch, five days
before my arrival on the Coast; So the case is as given
from what I have been able to learn, that the Brig
came from Rio de Janeiro under American colours and
papers with an American Captain and Crew, and
was here transferred to a Brazilian Captain and
Crew - the American Captain going on shore with his
colors and papers. The Cornelia had seven
hundred and fifty slaves on board, and at the time
captured was near to the Island of St Helena -

I have the honor to be
Very Respectfully Sir
Your obed. Servt
Andrew H. Foote
Lieut. Comdg.

Hon. William Ballard Preston
Secy of the Navy
Washington
D.C.

U.S. Brig Perry
At Sea March 12th 1850

Sir

In explanation of the accompanying letter of acty Master Simons, I would state, that on saying to him this morning that I wanted to see and examine his work, he replied "Capt Tarbell cannot permit any thing it to the Secy of the Navy"

I presume in allusion to "who has charge of the Chronometer" that he considers that by it being kept in the cabin, which I deem necessary in this small vessel, that I have also transcended my authority in not placing it solely under his charge and in his keeping.

I respectfully request that acty Master Simons may be detached from this vessel.

This communication is made direct to the Dept at Commodore Gregory authorized, while absent from the squadron south of the Equator.

I have the honor to be
Very Respectfully Sir
Your Obdt Servt
(Signed) Andrew H Foote
Lt Comdg

Hon Wm Ballard Preston
Secy of the Navy
Washington
D.C.

U.S. Brig Perry

St Paul de Loando 21st March 1850

Sir

Since my arrival here I have received from various sources information of the abuse of our flag in connection with the Slave trade and enclose copies of letters and papers addressed to me by the British Commissioner Sir George Jackson and Commander Tucker of H.M. Majesty Steamer Firefly, which will give the Department authentic information on this subject.

As the legitimate commerce of the U States excels that of Great Britain and France on the coast south of the Equator and as the American flag has been used to cover the most extensive Slave trade. It would seem that the presence of one or two ships of war, and the appointment of a consul or some public functionary to this place were desirable. Our Depot of provisions at Porto Praya is so far removed that a vessel can hardly reach the southern point of the Slave Stations before she is compelled for want of provisions to return and replenish. A Consul or Store keeper here might as in the case of the English or French supply this division of the Squadron and thus keep constantly a force on this side of the Equator, where until the

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arrival of this vessel there has been no man of war for a period of two years.

It has been intimated to me by Americans that if the Government were aware of the abuse its committed under our flag that it might be induced to take some measures preventing the sale of American Vessels on this Coast, or at least de[illegible] when bound to this Coast, as in nearly every instance the vessel is sold to engage in the Slave trade. But if this should be regarded as too great a check upon our commercial interests such sale if made on this Coast might be duly notified to our Consul or Agent here that the vessel might be known as having changed her nationality.

St Paul de Loanda is comparatively healthy. Port Praya or any place on the Coast north of the Equator. It contains seventeen thousand inhabitants, one fourth of whom are probably Europeans.

I have the honor to be Sir
Very Respectfully
Your obdt Servt

Hon William Ballard Preston
Sec'y of the Navy
Washington
DC

Sir

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U.S. Brig Perry
St Paul de Loando
March 21. 1850

Sir

Since my arrival here I have rec'd from various sources information of the abuse of our flag in connection with the Slave trade, and enclose copies of letters and papers addressed to me by the British Commissioner Sir George Jackson and Commander Tuckey of H.B.M. Steamer Pirefly which will give the Dep't authentic information on this subject.

As the legitimate commerce of the Ottoman Epeuds that of Great Britain and France on the Coast South of the Equator, and as the American flag has been used to cover the most extensive Slave trade. It would seem that the presence of one or two men of war, and the appointment of a Consul or some public functionary to this place were desirable. Our Depot of provisions at Port Praya is so far removed that a vessel can barely reach the Southern point of the Slave Stations before she is compelled for want of provisions to return and replenish. A Consul or Store keeper here might as in the case of the English or French dispatch this division of the Squadron and thus keep constantly a force on this side of the Equator, where until the arrival of this vessel there has been no man of war for a period of two years.

It has been intimated to me by Americans that

Hon Wm Fullers Preston
Sec of the Navy
Washington DC

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U.S. Brig Perry
St Paul de Loando
March 21st 1850

Sir

Since my arrival here I have met from various sources information of the abuse of our flag in connection with the Slave trade, and enclose copies of letters and papers addressed to me by the British Commissioner Sir George Jackson and Commander in Chief of Her Majesty's Steamer Pluto, which will give the Dept authentic information on this subject.

As the legitimate commerce of the Ports beside that of Great Britain and France on the coast south of the Equator, and as the american flag has been used to cover the most extensive Slave trade. It would seem that the presence of one or two men of war, and the appointment of a consul or some public functionary to this place was desirable. Our Depot of provisions at Port Praya is so far removed that a vessel can barely reach the Southern point of the Slave Stations before she is compelled for want of provisions to return and replenish. A Consul or Storekeeper here might as in the case of the English or French dispatch this division of the Squadron and thus keep constantly a force on this side of the Equator, where until the arrival of this vessel there has been no man of war for a period of two years.

It has been intimated to me by Americans that

Hon W. Preston Secretary
Sec of the Navy
Washington DC

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that if the Government
committed under our
induced to take some
sale of american vess
Rio de Janeiro, when
nearly every instance
engage in the Slave
be regarded as too
commercial intercourse
this coast might be
Consul or Agent here
be known as having

St Paul de Loan
ship to Port Praya
South of the Equator.
thousand inhabitants
are probably Europea

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that if the Government were aware of the atrocities committed under our flag that it might be induced to take some measures preventing the sale of american vessels on this coast, or at its dependencies, when bound to this coast, as in nearly every instance the vessel is sold to engage in the slave trade. But if this should be regarded as too great a check upon our commercial interests, such sale if made on this coast might be duly notified to our consul or agent here, that the vessel might be known as having changed her nationality.

St Paul de Loando is comparatively healthy to Port Praya or any place on the coast south of the Equator. It contains seventeen thousand inhabitants, one fourth of whom are probably Europeans.

I have the honor to be
Sir, Very Respectfully
Your obt Servt
[Signed] Andrew H Foote
Lt Comdg

"Copy"

U.S.S. Dolphin
Loando 21st March 1850

Sir

I beg to forward you the information you requested, relative to vessels that have been boarded by "Dolphin" or her boats, upon her stations off the Congo, under the American flag, all of them vessels have taken slaves, from one part of the coast or other, and with the exception of the Lucy Ann, taken by H.M.S. Rattler with 500 and upwards on board, have escaped, although each of them have been boarded by most of the Officers on the stations, previous to shipping but not having the right of search, upon overhauling their papers and to the best of our judgement not being able to detect any inaccuracies in such papers, our duty with the American flag ended. There are vessels that have been boarded by myself or boats, but the Senior Officer of the Division (The Hon Capt Hastings) can give you a list of many more, all of which would have been good prizes to any American man of War, a Officer having the right of search, for we are well assured that all of them came out to this coast, fully fitted and equipped for the Slave Trade.

From the sentiments you expressed (when I had the pleasure of seeing you last night) relative to the determination of your Government, not to allow the

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Flag of the State to be made use of as a cover for carrying on this inhuman traffic, I regret much that the pleasure of making your acquaintance has only fallen to my lot, at a moment, when the time of my service on the Western Coast of Africa has expired, but feel satisfied that not only on the part of the Senior officers of the Southern Division (the Hon'ble Captain Hastings) but also of any further officers still remaining on stations on the Coast, you will meet with the most cordial co-operation in suppressing of the Slave trade.

I sail to morrow or next day towards England and shall be most happy to take charge of any letters or Despatches you may wish to send.

I send you a Gun for your last service abroad as it is my own private property, I beg you to accept, and with every wish for your success.

I have the honor to be Sir
Your most humble Servant
(Signed) John Foote
Commander

To Capt Foote
"Bellerophon"
"Ferry"

Manuscript # 6452a released 6/11/84 HW

script # 642a relocated 6/4/84 HW

Copy of a letter from Commander Tudor of H.M. Steamer "Firefly"

H.M.S. Firefly
Loando 21st March 1850

Sir

I beg to forward you the information you requested, relative to vessels, that have been boarded by "Firefly", or her boats, upon her station off the Congo, under the American Flag, all of them vessels have taken Slaves, from some part of the Coast or other, and with the exception of the Lucy and Taken by H.M.S. Rattler with 500 and upwards on board, have escaped, although each of them, have been boarded by most of the Cruizers on the station, previous to shipping, but not having the right of search upon overhauling their papers, and to the best of our judgment, not being able to detect any inaccuracies in such papers, our duty with the American Flag ended; There are others that have been boarded by myself or boats, but the Senior officer of the Division (The Hon Captain Hastings) can give you a list of many more, all of which would have been good prizes to any American Man of War, or Office having the right of Search, for we are well assured, that all of them came over to this Coast fully fitted, and equipped for the Slave Trade.

From the sentiments you expressed (when I had the pleasure of seeing you last night) relative to the determination of your Government, not to allow the Flag of the States to be made use of

To Capt Foote
U.S. Sloop of War Perry

643

mmander Gudor
"

M S S Firefly
ta 21st March 1850

information you
have been boarded
ion station off the
all of these vessels
of the Coast or
"Lucy Ann" taken by
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have been boarded
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officer of the Sen
Hastings) but
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I sail to
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I send you
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of as a cover for carrying on this inhuman traffic; I regret much that the pleasure of making your acquaintance, has only fallen to my lot at a moment, when the time of my service on the Western Coast of Africa has expired, but feel satisfied that not only on the part of the Senior Officer of the Southern Division (The Hon.ble Captain Hastings) but also of my brother Officers still remaining on service on the Coast, you will meet with the most cordial cooperation in the suppression of the Slave Trade.

I sail tomorrow on my way towards England, and shall be most happy to take charge of any letters or Despatches, you may wish to send.

I send you a gun for your boat service which as it is my own private property, I beg you to accept, and with every wish for your success.

I have the honor to be Sir,
Your most Obed.t Humble Serv.t
(Signed) John Tudor
Commander

on this inhuman traffic;
pleasure of making your
ellen to my lot at a
of my service on the
has expired, but feel
on the part of the Senior
vision. The Post Captain
my brother officers still
on the coast, you will
cordial cooperation in
Slave Trade.
on my way towards England,
y to take charge of any
u may wish to send.
for your best services which
to prosperity, I beg you to
wish for your success.
I have the honor to be, Sir,
Your most Obt humble Servt
signed John Proctor
Commander

Paper furnished by Commander Proctor H.M. Steamer Firefly

Name of Vessel	Flag	When Boarded	When Belonging	When Sunk	When Burnt

Paper furnished by Commander Cudor of H.B.M. Steamer Firefly.

Name of Vessel	Rig	When Boarded	Where Belonging	Where from	Where Bound
Mentor	Brig	River Congo	Baltimore	Rio de Janeiro	River Congo
R. de Sala	Brig	do	Boarded by the Boats		
Chester	Barque	do	New York	Victoria	River Congo
Chatsworth	Brigantine	do	Baltimore	Bahia	do
Snow	Brig	do	Boston	Boarded by Boats	
Lucy Ann	Brig	do	Boston	Rio de Janeiro	River Congo

Papers from
Sir George
respecting
as Slaves
with two

Entered	Sailed	Ship
1848 Aug 18	1848 Sept 12	A
Sept 8	Oct 24	Lay
" 27	Octr 1	Bu
Dec 23	Dec 21	Em
1849 Jany 2	1849 Jany 11	Ma
" 13	" 21	M
		Whi
		Ca
		Jam
		Ro
		Pet
1850 Jany 11	1850 Jany 21	Cha
		Mary
		Lucy

Papers furnished by the English Commissioner Sir George Jackson who states that the above named vessels ostensibly american have either been captured as slavers or have left the coast with slave cargoes, with two or three exceptions ———

Entered	Sailed	Vessels Name	Rig	Masters Name	Tonnage	Remarks
1848	1848					
Aug 18	Sept 12	Adeline	Barque	S J Gamage	248	
Sept 8	Oct 24	Saguanga	Barque	Augustus [illegible]	159	Regular Trader
" 27	Oct 1	Bridgetown	Brig	Buckley	144	Uncertain
Dec 23	Dec 31	Economus	Barque	Appleton	240	
1849	1849					
Jany 2	Jany 11	Harriet	Brig	J Dalius	228	
" 13	" 21	Albertine	Brig	Montgomery	203	
		Whig of New York	Brig			
		Cabes	Barque			
		Smigen	Brig			
		Rovena	Brig			
		Pilot of Boston	Barque			
1850	1850					
Jany 11	Jany 21	Chatsworth	Barque	S D Johnson	146	
		Mary Richardson	Barque			
		Lucy Anne	Brig			

furnished by the English Commissioners
ge Jackson with this state that the ships named
ashonsibly american have either been captured
ed or have left the ports with slave cargoes,
ten or three exceptions _____

	Vessels Names	Rig	Masters Name	Tonnage	Remarks
	Adeline	Barque	J. L. Gamage	248	
	Lagrange	Barque	Augustus Craig	159	Regular Trader
	Bridgeton	Brig	Buckley	144	Mountain
	Economist	Barque	Appleton	240	
	Marcel	Brig	J. Dalins	228	
	Albatross	Brig	Montgomery	203	
	Whig of New York	Brig			
	Cadee	Barque			
	Senegan	Brig			
	Ravina	Brig			
	Pilot of Boston	Barque			
	Chatsworth	Barque	J. D. Johnson	146	
	Mary Richardson	Barque			
	Lucy Anne	Brig			

English Commissioner
ate that the above named
have either been captured
Vessels with Slave Cargoes,
ies _____

...ates Name	Tonnage	Remarks
...Gamage	248	
...ad Brig	159	Regular Trader
...ckley	144	Uncertain
...pleton	240	
...Dalius	228	
...tgomery	206	
...bonsar	146	

Sir

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Janeiro ...
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Hon. ...

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U.S. Brig Perry
St Paul de Loanda March 21st 1857

Sir

We arrived in this port on the 9th inst. having examined closely the intermediate coast from Benguela and communicated with an English & Portuguese man of war, and boarded a Portuguese merchant vessel.

Our stay here will not exceed one week, which period is necessary to water ship, attend to the rigging, and refresh the crew with fresh provisions. These being done, we shall remain until the 15th or 20th for the Kiver Congo, where it is asserted that the Slave trade is now most actively prosecuted.

We have exchanged salutes with the authorities on shore, and saluted the British Commissioner and Consul, who have visited the vessel.

Her Majesty Steamer Firefly arrived yesterday having recently captured a Slaver supposed to be named the Navarre of Phil[a], which sailed from Rio de Janeiro to Whydah, where she filled up for a Slave Cargo, and receive a Brazilian Captain & crew. When boarded by the Firefly she had american colors flying, and on being told by the Commander that her papers were forged, and as he could not search the vessel, but must send her to an American Cruiser, the Captain ordered the Brazilian colors to be hoisted - declaring that the vessel was Brazilian property and sent the Brazilian Captain and crew on deck, and gave up the vessel.

I have the honor to be Sir
Very Respectfully
Your obed[t] Servant
[Signed] Andrew H Foote
Commdg

Hon Wm Ballard Preston
Sec'y of the Navy
Washington DC

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US Brig Perry
St Paul de Loanda March 21st 1851

rived in this port on the 17th inst,
closely the intermediate coast from Benguela
d with an English & Portuguese Man
d a Portuguese Merchant vessel.
will not exceed one week, which period
ater Ship- attend to the rigging, and
y with fresh provisions. These being
cruise until the 15th or 20th proximo
the River Congo, where it is asserted
trade is now most actively prosecuted.
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r visited the vessel.
Steamer Firefly arrived yesterday
captured a Slaver supposed to be
are of Phil^a, which sailed from Rio de-
eiro, where she fitted up for a slave
a Brazilian Captain & crew. When boarded
had american Colors flying, and on
Commander that her papers were
could not search the vessel, but
t an american Cruiser, the Captain
ilian Colors to be hoisted- declaring
was Brazilian property- and
ian Captains and crew on deck, and
vessel.

I have the honor to be, Sir
Very Respectfully
Your obdt Servant
(Signed) Andrew H Foote
Lt Comdg

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U. S. Brig Perry
St Paul de Loando
March 25th 1851

Sir

I have received your communication with its Enclosure and had a time before we sail must be pleased to call and have some conversation with you in relation to our Treaty with Portugal.

I will shew your letter to Comm.r Gregory as well as a copy of the papers it included which officer has very sound judgement and will no doubt take such measures as will most effectually subserve the interest of your house and that of American Commerce generally

I am Very Respectfully
Your
(Signed) Andrew H. Foote

N. Augustus Dupuy Esqr
St Paul de Loando

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H. Foote

Sir
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perusal the opinion
the State Departmen
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observe that they
about this place,
their having been
The last treaty
was I think in 18
at Lisbon did by
Commerce of those
had treaties, the
the South Coast of
Islands of St Thom
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St Paul de Loando
23rd March 1850

Sir

I take the liberty of furnishing for your perusal the opinion of one of the Officers of the State Department relating to our vessels touching at a native port on this Coast previous to their reaching here. You will please observe that they have somewhat misunderstood about this place, they not being certain of their having been opened to foreign Commerce.

The last treaty between England & Portugal was I think in 1813, and in 1845 the Government at Lisbon did by a Portaria open to the Commerce of those nations with whom they had treaties, the Ports of Loanda & Benguela on the South Coast of Africa, a port at each of the Islands of St Thomas and Princes and one at the Cape de Verde Islands. Now these ports having thus been opened, the opinion is decidedly that our vessels by touching at a native port previous to her arrival here does not thereby lose the benefits guaranteed by our treaties with Portugal.

But the Government here refused us this privilege although till within a few months it has been always allowed, and now obliges our vessels to come direct here or debar us from the benefits of said treaties by considering us on the same footing as vessels belonging to nations with whom they have no reciprocal treaties; making to us the enormous difference of nearly 10% on our whole cargoes — and this to when each vessel brings from the Custom House of the Port from which she takes her departure open in the United States full certificates

certificate of her cargo being manufacture and produce of the United States, and the certificates duly attested by the Portuguese Consul.

I am Your very Respectfully
(signed) H. Augustus Boyd

A.H. Peck Esqr
Comdg Ml Brig Perry
Loanda

Department of State
Washington 27 June 1848

Robt Rantoul Esqr
Salem Massachusetts
Sir

I have the honor to acknowledge the receipt of your letter of the 14th instant in reply to which, I transmit herewith a printed copy of the Treaty of 1841, between the U States and Portugal, and a copy of a Memorandum from one of the offices of the Treasury Dept containing his views of the question presented in your communication

I am Sir Respectfully
Your Obt Svt
(signed) Jas Buchanan

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Augustus Mayo

Department of State
ton 27 June 1848

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Sir respectfully
Your Obt Svt
Jas Buchanan

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Memorandum

Under the Treaty with Portugal, the direct trade is guaranteed to American Vessels entering the Ports in the Kingdom & Dependions of Portugal. But the 8th article exempts from the stipulations of the Treaty Ports & territories in the Kingdom & Possessions of Portugal when foreign Commerce & navigation are not admitted, but grants the privileges of the direct trade to American vessels as soon as any of said ports shall be opened to the commerce or navigation of any foreign nations.

As the Portuguese ports on the Coast of Africa referred to in Mr Brodhouses letter are believed to be little more than slave trading ports, it is questionable whether they have ever been known open to foreign Commerce in the sense of the Treaty. The State Department may possibly have information on this point. If such be the fact, an American vessel may depart with a cargo from the U States and touch at a native port on the Coast of Africa and land part of her cargo there & proceed with the residue of her cargo to a port or ports in the Portuguese possessions in Africa without infringement of the direct trade. She cannot however take in articles of merchandize at the native port and land them at a Portuguese port, nor can she take in goods at one Portuguese port and convey them to another port of that nation, this latter would be a coasting trade

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Copy of a letter fro
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Sir

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To
Lieut Foote
Comdg U.S. Sloop
Perry

See letter of Jan. 20,

Copy of a letter from The Hon Geo. P. Hastings Comdg the 1st Division of U.S. Ships on the Coast of Africa

H.B.M. Steam Ship Cyclops
Off Ambriz 24th March 1850

Sir

It affords me great pleasure to witness the presence of a United States Vessel of War on the South west Coast of Africa, to be employed in the Cooperation with British Vessels in the Suppression of the Slave Trade and I therefore take the liberty to transmit to you, by the officer who you kindly sent to wait upon me, Two Documents connected with Brazilian Slave Vessels, who have lately come out to this Coast from Brazil displaying the american ensign, and presenting to the English Boarding Officer (as we have proved) fraudulent american papers.

I assure you that in the necessary Examination of these papers, every respect has been paid to the American Flag, and the visit made in strict accordance with the Treaty between the United States of America and Great Britain, and it was not until the master of the different vessels voluntarily hauled down their Ensigns, and discharged their papers, informing us at the same time, that they were Brazilians, that any possession was taken of them.

The Copy of a letter I send you was addressed to me by a Lieutenant of the Cyclops

To
Lieut Porter
652 Comdg U.S. Sloop of War
Perry

a See letter of Jan. 20, 1850, Drew to Hastings # 630 J

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(Sign

Cyclops who conducted me of the Bogo to St Helena, on board of which vessel were two american seamen, will give you some idea of the plan pursued, on their statement, by parties in the Brazil, to equip and man Brazilian slave vessels.

It will afford me sincere pleasure to give you every assistance, and information that may be in my power, for the furtherance of the service on which we are both engaged.

I have the honor to be Sir
Your Obedient Servant
(Signed) Geo' D Hastings
Capt R N & M Navy

Manuscript # 653a Mouse to follow #

A List of Vessels who have come over to the Coast of Africa from Brazil, displaying American Colors and producing false American Papers; all of whom have been captured by Her Britannic Majesty's Cruisers since October 1849, as Brazilians—

"Casco	Brigantine	Full of Slaves
"Pilot	Barque	— Empty — Equipped for Slave Trade
Rowena	Brig	— " —
Ann D. Richardson	Barque	— " —
Lucy Ann	Brig	Full of Slaves
J. W. Huntington	Brig	Empty — Equipped for Slave Trade
Navarre	Barque	— " —
Louisa	Brig	Full of Slaves

The "Lucy Ann" carried the American Ensign with 541 Slaves secured under hatches, which were battened down, & her Rum Boat was placed over the Hatchway as in a legal trading Vessel, and did not haul down her colors, until the boarding Officer distinguished a stifled groan among the Slaves. The alleged Masters of all the above Vessels with the exception of the "Rowena" where American citizens.

The annexed copy of a letter from the Officer who conducted the "Pilot" to St Helena, will explain the system pursued with these Vessels, and further that the above, or similar vessels meeting a United States man of war, would hoist the Brazilian Ensign and present Brazilian papers.

The Vessels undernamed have been boarded by the British Cruisers, under similar circumstances with those before mentioned, & have I believe escaped with cargoes of Slaves.

"Meteor" — "Chatsworth", sold, after having continued in legal trade
"R de Falso" — Snow
"Chester"

(signed), Geo: F. Hastings
Captain H B M's Navy

"Cyclops"
24th March 1851,

A List of Vessels who have come over to the Coast of Africa from Brazil displaying American Flags and producing false American Papers; all of whom have been captured by Her Britannic Majesty's Cruizers since October 1849, as Brazilians.

"Vasco"	Brigantine	Full of Slaves
"Pilot"	Barque	Empty. Equipped for Slave Trade
"Roman"	Brig	— " —
"Wm. D. Richardson"	Barque	— " —
"Lucy Ann"	Brig	Full of Slaves
"J. W. Huntington"	Brig	Empty. Equipped for Slave Trade
"Navarri"	Barque	— " —
"Louisa"	Brig	Full of Slaves

The "Lucy Ann" carried the American Flag with 540 Slaves secured under Hatches, which were battened down; when Boat was along side the Hatchway, as in a legal trading Vessel, and did not haul down her Colors, until the boarding Officer distinguished a stifled groan among the Slaves. The alleged Masters of all the above Vessels with the exception of the "Roman" whose American citizens.

The annexed Copy of a letter from the Officer who conducted the "Pilot" to St. Helena, will explain the system pursued with these Vessels, and further that the above, or similar Vessels meeting a United States Man of War, would hoist the Brazilian Ensign and present Brazilian Papers.

The Vessels enumerated have been boarded by the British Cruizers, under similar circumstances with those before mentioned, that is being occupied with Cargoes of Slaves.

"Nelson" "Chatsworth" both after having cleared in legal trade
"R. de Falco" Snow
"Chester"

(Signed) Geo. F. Hastings
Captain H.B.M. Navy

"Cyclops"
654 24th March 1851.

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Hastings
H B Ms Navy

Sir

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submit it to your

(Signed

Ud Brig Perry
At Sea March 12th 1850

Sir

A difference of opinion having occurred between Lt Kennedy A.A. Surgeon and myself as regards his right to overhaul the mate of the Master, and as to who has charge of the Chronometer, I respectfully submit it to your decision.

I am Sir
Very Respectfully
(Signed) Maurice Simons
Acty Master
Ud Brig Perry

H.B.M. Steam Ship [illegible] of [illegible] guns

Off Ambriz 24th March 1850.

Sir

It affords me great pleasure, to witness the presence of a United States Vessel of War, on the South West Coast of Africa, to be employed in the co-operation with British Vessels in the suppression of the Slave Trade - and I therefore take the liberty to transmit to you, by the Officer who you Kindly sent to wait upon me, two Documents connected with Brazilian Slave Vessels, who have lately come over to this Coast from the Brazils, displaying the American Ensign, and presenting to the English Boarding Officers, (as we have proved) fraudulent American Papers.

I assure you that in the necessary examination of their Papers, every respect has been paid to the American Flag, and the visit made in strict accordance with the Treaty between the United States of America and Great Britain, and it was not until the Masters of the different Vessels voluntarily hauled down their Ensigns and

Lieutenant
Foote
Commanding
U.S. Steam Ship of War
Perry

655

and destroyed their papers, in performance at the same time, that they were Brazilian, that any possession was taken of them

The copy of a letter I send you was addressed to me by a Lieutenant of the Il-fated, who conducted me of the French ship Rebecca, on board of which vessel were two American seamen, will give you every view of the plan pursued, on their statement, by parties in the Brazils, to equip, and man Brazilian slave Vessels.

It would afford me much pleasure, to give you every assistance, and information, that may be in my power, for the furtherance of the service on which we are both engaged,

And have the honor to be

Sir

Your obedient servant

Captain in Her Britannic Majesty's Navy

656

Capt. Hastings
U.S.S. Cyane
Off Smyrna 24 March 1850

Enclosing Documents connected with the Slave Trade by Brazilian vessels displaying the American Flag

U.S. Brig Perry
Off Bonhig March 25th 1850

Sir

Will you do me the favor to give me a detailed account of the circumstances attending the capture of the Barque Navarre by His Majesty's Steamer Firefly.

I ask for the information as the Navarre was boarded when under American Colors, although displaying Brazilian Colors when captured.

I have the honor to be Sir
Respectfully
(signed) Andrew H. Foote
U.S. Navy

Commander John Tucker
Comdg H.B.M. Steamer
Firefly

H B M S S Firefly
Off Ambriz 26th March 1850

Sir

In reply to your letter of the 25th inst, I beg to inform you that the Slave Barque seized under the Brazilian flag on the 19th inst, had flying at the time she was boarded an American Ensign. The boarding officer having doubts of her nationality in consequence of her papers not appearing to be regular, I altho' severely ill of diarrhoea at the time, considered it my duty to go on board, when being convinced that her papers were false, I informed the person calling himself master of her, that it was my duty to send him to the American Squadron, or in the event of not falling in with them, to New York, he said he hoped I would not do so; I told him I had no alternative, he immediately went upon deck & ordered the mate to haul the American Ensign down, to throw it overboard, and to hoist their proper colors, the american Ensign was hauled down and thrown overboard by the mate, who immediately hoisted the Brazilian Ensign; a man now came on deck from below saying I am Captain of this vessel, she is Brazilian property & fully fitted for the slave trade, which the person who first appeared acknowledged, stating that he was himself a Brazilian subject, having obtained this from them in writing, the person who first called himself Captain having signed it as Antonio Jose Ferreira & having had the signing of the document witnessed by two officers of "Firefly". I now opened her hatches, found all the Brazilian crew below, slave deck laid, water filled, provisions for the slaves, and slave shackles.

The Americans on board expressed a wish not to be landed at Ambriz, I asked them if they wished to be given up to an American man of war, if

To Captain Foote
U S Sloop of war
Perry

if so I would take them on board the Brigt. they said they would, and as they all declared that when they left Kio, they were not aware they had shipped for a slaving voyage, and did not know it until she regularly fitted as a slaver at St Catharines. I took them on board and delivered them safe to you at Saint de Loanda

I have the honor to be Sir
Your Obt. humble Servant
(Signed) John Foster
Commander

on board the Brig[illegible]
and as they all declared,
, they were not aware they
having voyaged, and did
regularly fitted as a slave
took them on board and
ryn at St Paul de Loanda
I have the honor to be Sir
Your obt & humble Servant
John Taylor
Commander

US Brig Perry
Mobile March 27 1850

Sir

Enclosed are copies of letters which have passed between Commander Tucker of his Majesty's Steamer Gorgon and myself in relation to the capture of the Barque Sarazin which was boarded when under a Mexican Colors, and captured under Brazilian Colors.

I also transmit a copy of a letter and papers addressed to me by the Hon Capt Hastings of his Majesty's Squadron on this coast, explanatory of the cause pursued by English Cruizers who have captured Vessels when under a foreign flag but which displayed the American flag when boarded by English officers.

I have the honor to be
Sir, very Respectfully
Your Obt Servt
(Signed) Andrew H Foote
Lt Comdt

Hon Wm Ballard Preston
Secy of the Navy
Washington

660

25

Brig Swift

March 27 1850

of letters which have
Order of Her Majesty
in relation to the
which was boarded
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of a letter and
the Hon Capt Hastings
this case, explanatory
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Respectfully
Your Obt Servt
Andrew H Foote
Capt

Brig Swift &c

In Account Curren
Master at One M
the 7th of Augu
being 7 Months a
Paid the Sa

Cr By Cash

No 2

Copy

Rio de Janeiro 4th April 1850

Brig Snow & Owners

Gabl M. Merrill Dr

To services rendered on board Brig Snow as
Master at One Hundred Dollars pr month from
the 7th of August 1849 to 23d of March 1850
being 7 Months and 17 days $756.61
Paid the Irish Mate 74.00
" " Seamen " 444.00
" " Cook " 11.00
$885.61

Cr By Cash Received at Rio $300.00
" " " " Victoria 90.50 390.50
Balance due $495.11

Rect Payment

661

is de Janeiro 4th April 1850

M Merill Dr

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s per month from

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		$ 756.61
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tina	90.50	390.50
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of Payment —

U. S. Ship "John Adams"
Off Arabrig 9th April 1850

Sir

I enclose for your perusal from Captain the Hon George F. Hastings of Her Brit. Mys Steam Sloop "Cyclops" and Senior Officer of the Southern division of the British Squadron on this Coast wherein you are mentioned in connection with the explanation given relative to several Captures and boarding operations conducted by officers of Her Britanic Majesty's Cruizers.

Be pleased to give me your report of the same, for the information of the Commander in Chief of our forces in this quarter —

Very Respectfully
Your Obt Servt
L M Pierce
Commander

Lieut Comdg
A. H. Foot —
Comdg U. S. Brig Perry
Off Arabrig

662

Commdr L McDonell
U.S. John Adams
off Amboy 9th April 1800

No 3

Copy

I the undersigned do hereby agree to pay to Captain A. M. Merrill the sum of One Hundred Dollars pr month for such time as he may be engaged as Master of the Ship "Martha" of New York, together with a Commission of 5 p.c. pr Cent, on the net proceeds of my interest on the outward voyage of said Ship "Martha" which interest I guarantee to be equivalent to Three fifths of the whole, say 3/5 ths. It understood that Captain Merrills wages shall continue up to such time as he arrives back to this port.

Rio de Janeiro April 12th 1850.

Joshua M. Clapp

Copy

Rec'd of A. M. Merrill the sum of Twenty four Hundred Milreis which amt I promise to pay to him or his order on demand. Rio de Janeiro April 12. 1850.

Rs 2400$000

Joshua M Clapp

reby agree to pay to
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Master of the Ship
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April 12th 1850 —
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oshua M Clapp

Account
on board
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1 " C
1 " S
2 Chests
1 Bbl
1
½ Chest
4 Bottle
3 Cask
2 " B
4 " A
1 Bbl
4 Casks
1 Box
1 Card
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1 Cask
1 Chest
1 Cask
1 Jar
1 Bbl
3 Chests
2 Sacks
½ Bbl
2 Chests
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2 — Nos.
No 3 — 1 Box
I have
to the f

Copy. No 8

Account of Stores which have been received on board the Ship Martha of New York
April 26th 1850

R 9 Bbls Beef
1 " Cod Fish
1 " Salt "
2 Chests
1 Bbl
1 " Sweet Oil
½ Chest
4 Bottles
3 Casks Lisbon Wine
2 " Bordeaux "
4 " Auguadente
1 Bbl Ale
4 Casks Vinegar
1 Box Preserves
1 Case 500 Onions & 200 garlic
2 Casks Palm oil
1 Cask
1 Chest 1600 Nuts
1 Cask American Biscuit
1 Jar Olives
1 Bbl Sundries
3 Chests "
2 Sacks Salt
½ Bbl Wheat Flour
2 Chests
2 Copper Pumps
2 - Nos. No 7, 2 Iron Boilers
No 3 - 1 Box No 4 Lanterns

No 8. Iron Gallies
R 2 Sacks Beans
3 " Rice
6 Bbls Biscuit
4 " Rusk
1 Sack Coffee
3 Chests Sugar
2 Boxes Potatoes
1 Chest Barley
99 Chickens
10 Sacks Salt
5 " Corn
23 " " Unshelled
2 Bbls Auguadente
1 Chest
120 Bbl Farinha
70 Sacks Beans
6 " Rice
15 Bbls Dried Beef
3 " Salt Fish
26 Bbls
13 " Biscuit
8 Capons - 2
1 Bbl, 1 Box Eggs
10 Turkeys
12 Ducks
1 Bbl Wheat Flour

I have rec'd all the provisions, according to the foregoing account

Manuscript #666 released 6/4/84 AW

U. S. Brig Perry
Offe Tuxpan April 15th 1850

Sir

Your letter of the 9th inst. inclosing a communication addressed to you from the Hon. Capt. Hastings of H. B. Majesty's Steam Cyclops, wherein I am mentioned in connection with the Havana & the Captain, and your directions to report on the same has been rec'd.

In relation to the Havana, her Capt. made such a show of the arrival of Her Majesty's Steamer Briefly alongside, and did not at any time come on board of the Perry, altho' I requested Capt. Stoddert of the Bergen Captain & myself from the Captain of the Havana, that if he had any complaint to make, if he would come on board I would attend to it, while the Briefly was present. There were six American Seamen on board of the Havana when captured, who I said on board of the Capt, at their request, as they stated that they had been deceived as to the object of their voyage & wished to be conveyed to Tampico. Only the Steward, taken in consideration they applied to go on shore, shewing no evidence of any breach of the laws of the United which would authorize their detention, five of them were permitted to leave the Capt, & the remaining one was, at his own request, ordered to go on board of the John Adams under your command.

In relation to the Captain General boarding the Captain, no complaint was preferred to me by Captain Stoddert her commander. Being underway on the arrival of the Captain at Tuxpan, I had no communication with her except to send the letter bag on board by my clerk, who on his return reported that Capt Stoddert or the mate had spontaneously remarked, that the Cyclops had again fired at them, and when the boat attempted alongside, he had told the officer to tell his Captain "that he had better keep his portholes to himself".

I am for very Respectfully
Your obt Servt
(signed) Andrew Hy Foote
Lt Comdg

To Commodore Lewis Warrington
Comdg Home Squadron

H.M. Brig Perry
At Sea April 14th 1850

Sir

The Brigantine "Louisa Beaton" left Ambrizette on the 12th inst. under suspicious circumstances. I have sent Lieut. Parks to the Hon. Captain Hastings who has acceded to my suggestion of going in pursuit of the vessel in H.M.S. Cyclops, taking Lt. Parks with him, as we may be properly represented in the event of overhauling the Chase.

Asst. Surgeon Stone will give you the particulars of the Louisa Beaton leaving the Coast, and the manoeuvring efforts of this vessel and that of her boat in overhauling her.

At the suggestion of the Hon. Captain Hastings I send to Loanda to ascertain if the Louisa Beaton is there.

I am Sir Very Respectfully
Your Obt Servant
(signed) Andrew H. Foote
Lt Comdg

Commander Lewis M. Powell
Comdg H.M. Brig
Perry
St Paul de Loanda.

Her Britannic Majesty's Steam Ship Cyclops
off Ambriz South West Coast of Africa
15th April 1850

Sir

I had the pleasure of receiving the intelligence you kindly sent me, yesterday morning, by Lieutenant Rush, of the Brig you command, informing me, that a report had reached you, that the American Brigantine "Louisa Beaton", which vessel was Laying at Ambriz, in company with us, on the 7th inst, had shipped a Cargo of Negroes.

I observed the "Louisa Beaton" weigh from Ambriz, on the morning of the 12th Instant, and pass close to the "Perry", with her Colors flying, and at Sunset she was observed by us, close in with the Land; also sighted her the next morning, and continued to see her until the morning, apparently working in shore to the Southward.

As the wind had been exceedingly light all night, I thought it possible, if the information of the "Louisa Beaton's" shipment was correct, that I might overtake her, and accordingly proposed to Lieutenant Rush that he should accompany me, and watch the proceedings of the Vessel, in case we should discover her.

I steamed to the Westward for nearly 40 miles but saw nothing of her; and I am of opinion that the report in question affecting the "Louisa Beaton" is not at present correct, and that when we shall hear from Loanda, she will be found to have arrived there; but I think it very likely that she has been disposed of, by sale, in consequence of the slave Dealers not being successful, having only effected the embarkation of Two Cargoes of Negroes this year, (1850) and therefore all the vessels that can be

Andrew H. Drake Esqr
Lieut Commanding
H.B.M. Brig of War Perry

668

...r Britannic Majesty's Steam Ship Cyclops
...ff Amboy South West Coast of Africa
15th April 1850

...n of receiving the intelligence you
...morning, by Lieutenant Rush, of the
...ning me, that a report had reached
...Brigantine "Louisa Beaton", which report
... company with us, on the 4th inst
... Brigadier.
..."Louisa Beaton," weigh from Amboy, on
...stant, and pass close to the "Ferry,"
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...
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...vessel.
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...mined there; but I think it very
...ikely disposed of, by sale, in consequ
...I being successful, having only
...in of two Cargoes of Negroes the
... all the report that can be

be procured, no matter at what expence, will be eagerly sought after by them, but as I hear there is no water at Ambriz, I think it possible that arrangements are being made for the "Louisa Baker's" Cargo being discharged at Loanda, from whence after procuring the necessary articles, and fitments required, she will probably return to Ambriz for the Negroes. This will be no error occurrence, as many American vessels have been disposed of in a similar manner, and occupied with Cargoes of Africans since I have been stationed on the Coast.

Had no American man of war been present, on the 12th Inst when the "Louisa Baker" left Ambriz, I should have considered it my duty (from there having been shewn, whilst in company with her, on the 7th Inst a large quantity of Plank, sufficient for a Slave Deck, or two Lapsom Decks, together with Water Casks, which would have created suspicion) to have visited her and satisfied myself that her nationality had not been changed, by sale, at "Ambriz", not taking it for granted, that the Flag displayed by any vessel, is a sufficient evidence of her nationality.

As it is probable that I may not meet the "John Adams," previous to your leaving the Coast for Porto Praya, you will oblige me, by forwarding a copy of this letter, to Commander Powell, for the information of Commodore Gregory, as it will be my duty to lay it before the British Commander in Chief, in the course hope, that some arrangements will be come to, by them Officers, to put a stop to the nefarious system on the South West Coast of Africa.

I have the honor to be Sir
Your Obed[t] Serv[t]
(Signed) Tho[s] Jo Hastings
Captain in Her Britannic
Majesty's Navy

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…mand, no matter at what expence, will be eagerly
…ht after by them, but as I hear there is no water at
…y, I think it possible that arrangements and hiring
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…the Negroes. This will be no new occurrence, as many
…rican vessels have been disposed of in a similar
…ner, and recarped with Cargoes of Africans since
…ey have been stationed on the Coast.
…d no American man of War been present, on the 12th Inst when
…miserable" left Ambriz, I should have considered it my
… from their having been steamed, whilst in company with
… the 7th inst a large quantity of Plank, sufficient for
…ew Deck, a new Upper Deck, together with Water Casks, which
…d have created suspicion, I have assisted her and
…hall myself that her nationality had not been
…ged, by sale, at "Ambriz", not taking it for granted,
… the Flag displayed by any vessel, is a sufficient
…ence of her nationality.
…As it is probable that I may not meet the "John
…ns," previous to your leaving the Coast for Porto Praya,
… will oblige me, by forwarding a copy of the letter, to
…ander Powell, for the information of Commodore Gregory,
… will be my duty to lay it before the British Consul
…Chief, in the sincere hope, that some arrangement
…ll be come to, by their Offices, to put a stop to the
…ious system on the South west Coast of Africa.

I have the honor to be Sir
Your Obed[t] Serv[t]
(Signed) Geo[r] F. Hastings
Captain in H[er] B[ritannic] M[ajesty's] Navy

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Copy

H.M. Britannia Majesty's Steam Ship Cyclops
Off Ambriz South West Coast of Africa
15th April 1850

Sir

I had the pleasure of receiving the intelligence you kindly sent me, yesterday morning, by Lieut Rouch of the Brig upon command, informing me, that a report had reached you, that the American Brigantine "Louisa Beatty," which report was lying at Ambriz in company with us, on the 7th inst. had shipped a cargo of Negroes.

I observed the "Louisa Beatty" weigh from Ambriz in the morning of the 12th inst. & pass close to the Brig Perry with her colors flying, and at sunset she was observed by us, close in with the Land, also sighted on the 13th morning & continued to see her until the evening, apparently working in shore to the Southward.

As the wind had been exceedingly light all night I thought it possible, if the information of the "Louisa Beatty's" shipment was correct, that I might overtake her, and accordingly purposed to Lieut Rouch that he should accompany me, and watch the proceedings of the Vessel in case we should discover her.

I planned to the Westward for nearly 40 miles but saw nothing of her, and I am of opinion that the report in question affecting the "Louisa Beatty" is not at present correct, and that when we might have some Coasters, she will be found to have various things but I think it very likely that she has been disposed of, by sale, in consequence of the Island Dealer, not being successful, having only effected the embarkation of

Andrew H. York Esqr
Lieut Commanding
H.M. Brig Perry

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of Our Cargoes of Negroes this year. (1850) and therefore all the Vessels that can be procured, no matter at what expence, will be eagerly sought after by them; but as I hear there is no water at Ambriz, I think it possible that arrangements are being made for the "Louisa Beaton" that cargo being discharged at Loanda, from whence, after procuring the necessary articles of fitment required, she will proceed to Ambriz for the Negroes. This will be no more recommended as many American Vessels have been disposed of in a similar manner, and escaped with Cargoes of Africans since I have been stationed on the Coast.

Had no American Vessel of war been present, on the 12th inst when the "Louisa Beaton" left Ambriz, I should have considered it my duty, from there having been observed, whilst in company with her on the 9th inst a large quantity of Planks sufficient for a three deck, or her upper deck, together with water Casks, which could have evidently been procured, to have visited her and satisfied myself, that her nationality had not been changed, by sale, at Ambriz, not taking it for granted that the Flag displayed by any Vessel is a sufficient evidence of her nationality.

As it is probable that I may not meet the John Adams previous to your leaving the Coast for Port Praya you will oblige me, by forwarding a copy of this letter to Commander Parish, for the information of Commodore Gregory, as it will be my duty to lay it before the British Commander in Chief, in the sincere hope, that some arrangement will be come to, by their Officers, to put a stop to this nefarious system on the South East Coast of Africa.

I have the honor to be
Sir
Your Most Obedt Servant
Geo. D. Hastings
Capt in the Portuguese Majesty's Navy

U S Brig Perry
Off Ambriz April 17th 1850

Sir

I have received your communication of the 15th inst in relation to a report which I had communicated through Lieut Roach, that the Brigantine "Louisa Beaton" had shipped a cargo of Slaves at Ambriz, and agreeably to your request I will forward a copy of it to Commander Powell for the information of Commd Gregory.

I boarded the "Louisa Beaton" at sea several days before her arrival & found her to be a legal American trader, which character she sustained while at anchor, with the several men of war at Ambriz. I had no reason after an absence of three days to suppose that she could in the mean time have been fitted for a Slave Cargo, & therefore I did not consider it my duty again to board her, and I am happy to inform you that the report of the "Louisa Beaton" having taken Slaves at Ambriz is untrue, and that she is now at St Paul de Loanda.

In relation to your "not taking it for granted that the flag displayed by any vessel is a sufficient evidence of her nationality". I remark. The flag which a vessel wears is prima facie, altho' it is not conclusive evidence of her nationality. It is a mere emblem which loses its true character when it is worn by those who have no right to it. On the other hand those who lawfully

To Come Capt Geo F. Hastings
Comdg the Southern Division
of Her Majesty's Forces
S W Coast of Africa

lawfully display the flag of the United States will bear all the protection it can afford thereon when a foreign Union boat a Vessel under this flag she will do it upon her own responsibility

I avail myself of this occasion to tender you my thanks for your kind attention to Lieut Rich, as well as for the valuable information imparted to me during our co-operation for the suppression of the slave trade.

I have the honor to be
Very Respectfully Sir
Your Obt Servant
Signed Andrew H Foote
Flag Officer

L.B.
Lavaine &c.

Received at Princes Island
10

U.S. Brig Perry
Off Ambriz April 17th 1850

Sir

I have read your communication of the 15th inst in relation to a report which I had communicated through Lt Rush, that the Brigantine Louisa Beaton had shipped a cargo of Slaves at Ambriz, and agreeably to your request I will forward a copy of it to Commander Powell for the information of Comm^dr Gregory.—

I boarded the Louisa Beaton at sea several days before her arrival & found her to be a legal American trader, which character she sustained while at anchor with the several men of war at Ambriz.

I had no reason after an absence of three days to suppose that she could in the mean time have fitted for a Slave cargo, and therefore I did not consider it my duty again to board her, and I am happy to inform you that the report of the Louisa Beaton having taken slaves at Ambriz is untrue, and that she is now at St Paul de Loanda.

In relation to your "not taking it for granted that the flag displayed by any vessel is a sufficient evidence of her nationality." I remark, the flag which a vessel wears is prima facie, altho' it is not conclusive evidence of her nationality. It is a mere emblem which loses its true character when it is worn by those who have no right to it. On the other hand those who lawfully display the flag of the United States will have all the protection it supplies— therefore when a foreign cruiser boards a vessel under this flag she will do it upon her own responsibility.

H.M. Capt Geo. F. Hastings
Comdg the Southern Division
of Her Majesty's Forces
S.W. Coast of Africa

t Princes Island
10

US Brig Perry
Off Ambriz April 17th 1850

our communication of the 15th inst
hat which I had communicated through
Brigantine Louisa Beaton had shipped
t Ambriz, and agreeably to your request
opy of it to Commander Powell for the
n Gregory.
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found her to be a legal American trader
sustained while at anchor with the
at Ambriz.
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d therefore I did not consider it my
her, and I am happy to inform you that
Louisa Beaton having taken slaves at
and that she is now at St Paul

your not taking it for granted that
by any vessel is a sufficient evidence
t. Denmark. The flag which a vessel
ies, altho' it is not conclusive evidence
It is a mere emblem which loses
when it is worn by those who have no
other hand those who lawfully
f the United States will have all
supplies. therefore when a foreign
vessel under this flag she will do
responsibility.
Hastings.
Division
Forces
Africa

I avail myself of this occasion to tender you my thanks for your kind attention to Sierra Leone, as well as for the valuable information imparted to me during our cooperation for the suppression of the Slave trade.

I have the honor to be
Very Respectfully Sir
Your Obt Servant
(signed) Andrew H Foote
Ch Comdg

Her Britannic Majesty's Steam Ship
Cyclops, Ascension, South West Coast
of Africa. 19th April 1851

Sir

I have the honor to acknowledge the receipt of your letter of the 17th inst. and am glad to learn by it that the report of the "Louisa Seaton" having shipped a Cargo of Slaves at Ambriz, is incorrect.

But as Vessels can dispose of, change their nationality and escape from Ambriz with Slaves in so very short a period of a time as a few hours, I would respectfully suggest the necessity of keeping a strict Watch over the movements of the Louisa Seaton, should she appear again off this part of the Coast.

Will you favor me by handing the accompanying Letter to Commander Powell on your next meeting the "John Adams"

I have the honor to be
Sir
Your obt Servt
(signed) Geo. F. Hastings
Captain in Her Br
Majesty's Navy

Andrew K. Pook Esqr
Senior Commanding
United States Brig
Perry

H.M. Britannic Majesty's Steam Ship Cyclops
off Ambriz, South West Coast of
Africa - 19th April 1855

Sir

I have the honor to acknowledge the receipt of your letter of the 17th inst., and am glad to learn by it that the report of the "Louisa Gratia" having shipped a cargo of Slaves at Ambriz is incorrect.

But as rebels and disposed of, changed their nationality and escape from Ambriz with Slaves in so very short a period of time as a few hours, I would respectfully suggest the necessity of keeping a strict watch on the movements of the Louisa Gratia, should she appear again off this part of the coast.

Will you favor me by handing the accompanying Letter to Commander Powell on your next meeting the John Adams.

I have the honor to be Sir
Your obedient Servant
(Signed) Geo. D. Hastings
Captain in H.M. Britannic
Majesty Navy

Andrew H. Foote Esqr
Lieutenant Commanding
United States Brig of War
Perry

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U. S. Ship "Portsmouth"

West Bay - Princes Island - May 2d 1850

Sir

Your letter of the 27th April, reporting your proceedings with the U. S. Brig "Perry", on the Southern Coast of Africa, and the correspondence had with several Officers of H. B. Majesty's Navy, and others respecting the employment of Merchant Vessels of the United States - and the abuse of its Flag, for the purpose of carrying on the Slave Trade, have been received. - The course you have pursued, meets my fullest approbation - and the zeal, ability and energy with which you have discharged the important duties assigned you, commands my highest respect, - and I have no doubt, will be most favorably considered by the Hon: Secretary of the Navy. -

It is now a matter of great importance, to keep one of the Squadron upon the Southern Coast. - Not having provisions sufficient in this Ship, to enable me to proceed directly there, - and the "John Adams" having nearly expended her Stock, will be compelled to return to Porto Praya by the first of June - Under these circumstances, I have to direct that you make requisitions upon this Ship, for as full a supply as you can conveniently stow, - and prepare your Vessel for immediate Service on the Southern Coast. -

I am Very Respectfully

Your Mo: Obt. Servt.

F. H. Gregory

Comdg Af. Squadron

Lieut Comdt. A. H. Foote.

Comdg U. S. Brig "Perry"

U. S. Sloop "Portsmouth"

West Bay. Prince Island. May 2d 1839

Sir

Your letter of the 27th April, reporting your proceedings with the U. S. Brig "Perry", on the Southern Coast of Africa; and the Correspondence had with Naval Officers of H. B. Majesty's Navy, and others respecting the employment of Merchant Vessels of the United States - and the abuse of its Flag, for the purpose of carrying on the Slave Trade, have been received. The course you have pursued, meets my fullest approbation - and the zeal, ability and energy with which you have discharged the important duties of, Signed you, Commands my highest respect - and I have no doubt, will be most favorably considered by the Hon. Secretary of the Navy.

It is now a matter of great importance, to the success of the Squadron upon the Southern Coast. - not having provisions sufficient in this Ship, to enable me to proceed directly there, - and the "John Adams" having nearly expended her Stock, will be compelled to return to Porto Praya by the first of June - Under these circumstances, I have to direct that you make requisitions upon this Ship, for such full a supply as you can conveniently stow. - and prepare your Vessel for immediate service on the Southern Coast.

I am Very Respectfully
Your Mo. Obt. Svt.

Lieut Comdt. U. S. N.
Comdg U. S. Brig
"Perry"

T. W. Gregory
Comdg Naval Squadron

U. S. Ship "Portsmouth"

West Bay. Prince Island. May 2nd 1860

...ent, reporting your proceedings
... on the Southern Coast of Africa
...ard with despatches of H. B.
...ers respecting the employment of
...United States - and the abuse of
... of carrying on the Slave Trade,
...ceived you have pursued, meet
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...great importance, the Ship one of
...uthern boats - not having pro-
...Ship, to enable me to proceed direc-
...Adams" having nearly expended h
...ded to return to Porto Praya by
...nder these circumstances, I have
...e requisitions upon this Ship for
...conveniently done - and pro-
...diate service on the Southern

Very Respectfully
Your Obt. Svt.

T. A. Craven
Comdg. Sth Squadron

Copy

Private

U.S. Ship Portsmouth

Port Roy Prince Island

May 6. 1850

Sir

You will be pleased to proceed down with all practicable dispatch in the Old Ring Buoy under your command, directly to the Southern coast, where you have lately been cruising and communicate with Commander Foote, in the "Saratoga" soon as you possibly can. Should that Vessel have left the Coast before your arrival, or any other circumstance prevent your meeting him. You are to proceed under your former orders, and the instructions of Government for the purpose of protecting the lawful Commerce of the United States, and by using legal and proper means in your power to prevent the prostitution of the Flag of the United States, and the employment of American Vessels or Citizens for the purpose of carrying on the Slave Trade.

It appearing in the Correspondence, had with some of the English Officers that in some instances where they have boarded Vessels under the Flag of the United States, and not having the right of search, should have been cases of detaining and sending them to the Squadron. This is improper, and must not be admitted, or any understanding had with them, authorizing such acts, if they choose to detain suspicious Vessels, they must do it upon their responsibility, without our assent or Countenance.

Refusing to the United States Government the right of search, our Government have commenced on its part to prevent Vessels & Citizens of the United States from engaging in the Slave Trade. These duties must be performed to the best of our ability, and we have no right to ask, or accept, the aid of a foreign

Copy
Private

Old Ship Portsmouth
Hot Bay Prince Island
May 6. 1780

Sir

You will be pleased to proceed home with all practicable dispatch in the Old Ship Portsmouth under your command directly to the Southern coast, where you have lately been cruising, and Communicate with Commander Pringle, in the Delaware's sloop as you possibly can. Should that Vessel have left the Coast before your arrival, or any other circumstance prevent your meeting him. You are to proceed under your former orders, and the Instructions of Government for the purpose of protecting the Lawful Commerce of the United States - and by every legal and proper means in your power to prevent the Molestation of the Ships of the United States - and the Employment of American Vessels or Citizens for the purpose of carrying on the Slave Trade.

It appearing in the Correspondence had with some of the English Officers that in some instances when they have boarded Vessels under the Flag of the United States and not having the right of Search, think they have then power of detaining and sending them to the Vice Admiralty - This is improper and must not be admitted - or any undue Intercourse had with them, authorizing such acts if they should obtain suspicious Vessels - they must do it upon their responsibility - without our assent or Countenance.

Respecting to the British Government the right of Search, our Government have commissioned us to prevent Vessels & Citizens of the United States from engaging in the Slave Trade - This duties must perform to the best of our ability - and we have no right to ask, or receive, the aid of a foreign

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peace. It is desirable to cultivate and preserve the good understanding which now exists between the two services. And should any differences arise, care must be taken, that all discussions are temperate & respectful.

You have full authority to act in concert with the British Forces within the scope of our orders and duty always maintaining an equal & independent position. Should any circumstances prevent the timely arrival of another vessel to relieve you on the Southern Station. You are to return to Port Praya for supplies and orders.

Wishing you a pleasant cruise
I am Very Respectfully
Your Mo. Obt Servt
Signed, F. H. Gregory
Comdg Afr. Squadn

Lieut Comdg A H Foote
Comdg US Brig Perry

Copy

Private

U.S. Ship Potomac
West Bay Princes Island
March 2nd 1852

Sir

Your letter of the 27th April relating your proceedings with the U.S. Brig "Perry" on the Southern Coast of Africa and the correspondence had with several Officers of H.B. Majesty's Navy, and others respecting the employment of Merchant Vessels of the United States and the abuse of the Flag, for the purpose of carrying on the Slave trade, has been received.

The course you have pursued, meets my fullest approbation, and the zeal, ability and energy with which you have discharged the important duties assigned you, commands my highest respect and I have no doubt will be most favorably considered by the Hon.ble Secretary of the Navy.

It is now a matter of great importance to keep one of the Squadron upon the Southern Coast, not having provisions sufficient in this Ship, to enable me to proceed directly there, and the "John Adams" having nearly expended her Stock, will be compelled to return to Port Praya by the first of June. Under these circumstances, I have to direct that you make requisitions upon this Ship, for as full a supply as you can conveniently stow, and prepare your Vessel for immediate service on the Southern Coast.

I am Very Respectfully
Your Mo.t Ob.t Servt
D.N. Gregory
Com.g & Sen.r Officer Squadron

Lieut. Com.d A.H. Foote
Com.g U.S. Brig
"Perry"

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U. S. Ship "Portsmouth"

Port Royal Princes Island May 6th 1850

Sir

You will be pleased to proceed home, with all practicable dispatch in the U. S. Brig "Perry" under your Command, directly to the Southern Coast, where you have lately been cruising - and communicate with Commander Powell, in the "John Adams" - soon as you possibly can. - Should that Vessel have left the Coast, before your arrival, - or any other circumstances prevent your meeting her - you are to proceed under your former Orders, and the Instructions of Government - for the purpose of protecting the Lawful Commerce of the United States, - and by every legal and proper means in your power to prevent the prostitution of the Flag of the United States - and the employment of American Vessels, or Citizens - for the purpose of carrying on the Slave trade -

It appearing in the Correspondence, had with some of the English Officers - that, in some instances, where they have boarded Vessels under the Flag of the United States - and not having the Right of Search - Threats have been used, of detaining and sending them to the U. S. Squadron - This is improper, and must not be admitted - or any understanding had with them, authorizing such acts - If they choose to detain suspicious Vessels - they must do it upon their own responsibility - without our Assent or Concurrence. - Refusing to the British Government the Right of Search, our Government have Commissioned us to prevent Vessels and Citizens of the United States from engaging in the Slave trade - Those duties we must perform, to the best

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of our ability - and we have no right to ask, or receive, the aid of a foreign power. - It is desirable to cultivate and preserve the good understanding which now exists between the two Services - and should any differences arise, care must be taken, that the dispatches are temperate and respectful. - We have full authority to act in Concert with the British Forces - within the scope of our Orders and duty - always maintaining an equal and independent position -

Should any circumstances prevent the timely arrival of another Vessel, to relieve you on the Southern Station - you are to return to Port Praya - for supplies and Orders -

Wishing you a pleasant Cruise -

I am Very Respectfully
Your Mo. Ob. Svt.

F. H. Gregory
Comdg. off. Squadron

Lieut Comdt. A. H. Foote
Comdg U. S. Brig
"Perry"

Comm^r Gregory

Wat Ray Pinus Island
May 6. 1850 —

"Orders" —

(Copy)

Arthur Barnham, Commodore

Centaur at Abrolhos
15th May 1850

Sir

I have to acknowledge the receipt of your letter from the 8th to the 22d April, transmitting to me a correspondence, and reporting to me verbal communications which had taken place between yourself and the Commanders of the United States Ships of War "John Adams" & "Perry," with various documents on the subject of the captures which had been made during the few preceding months by Her Majesty's Cruizers under your orders, of Vessels which had fraudulently assumed the American Flag, and also of complaints of the Masters of the American legal Traders "Catharine" & "Louisa Beaton" respecting the manner in which they had been visited by the officers of our Ships on the South Coast, and in consequence seeking from me such instructions for your guidance with respect to your co-operation with the Cruizers of the United States, in the event of the occurrence of your meeting Brazilian Vessels attempting to evade search by hoisting American colors, and presenting false American Papers, and on the points specified by Commander Pinto of the "John Adams"

Before proceeding to reply to you on those matters I must express the gratification

Capt
The Hon Geo. F. Hastings
Her Majesty's Steam Ship Cyclops
Senior Officer of the South Division

gratification I have experienced in perceiving the cordial and conciliating spirit which pervades the whole of the communications between yourself and the American officers, as creditable to yourselves in the performance of the service with which you are entrusted, as it is in strict conformity with the wishes and directions of your respective governments. I entirely approve of the full and proper explanations with which you have furnished Commander Powell and I hope, being reported by him to his Commander in Chief & Government, they will prove to them the extreme desire of His Majesty's Officers under my orders, in carrying out the different and delicate duties which they have had to perform, to act in the spirit of their instructions respecting the Slave Trade with every courtesy and forbearance in communicating with American Merchant Vessels.

If on the one hand some of such Vessels may have been subjected to annoyance by such visits, others have received essential assistance, and it strikes me that persons have been found ready, on the disappearance of the United States Ships of War on the South Coast, to report to their Officers the one case, and to withhold the other, with the view of instilling a prejudice in their minds against the proceedings of the British Officers in their endeavor to suppress the African Slave Trade.

For

His Majesty's Government and informed by me, by the earliest opportunity of every particular respecting the captures alluded to, and the whole of the documents which you have now transmitted to, and will be forwarded to the Secretary of the Admiralty by the next mail and should their Lordships see cause arising out of them, to insure such instructions for my guidance, doubt no doubt but I shall be furnished with them quickly.

I observe also that the subject of the abuse of the American flag by the Sales from Rio Janeiro, and the sale of American Vessels there, and on the African Coast for the purpose of Slave Trade, which has been the occasion of these captures, has been introduced by the President of the United States in his message to Congress, and that they are invited by him to consider the means of preventing it. Both the Government and Legislature are therefore likely to discuss the matter. For the mean time, the 4th, 6th and 8th sections of the Instructions under which I and the officers under my orders on the Coast of Africa act, appear to me to embrace every point respecting our co-operation with American Cruizers, and the visit & search of any Vessel be she a legal or an illegal Trader and I cannot authorize a departure from them in any shape. You must neither stop short and thus permit the escape of the illegal Slave Trader, nor must you exceed and thus give offence to the

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the legal Trader of a friendly power. Some passages in the letter of Commander Tovell and Lieut Pork to you bear closely upon the question you have stated as likely to occur, nothing for my instructions - for example "The Flag is no conclusive proof of Nationality, it loses its true Character when worn by those who have no right to wear it" - I answer if a Vessel during a Chase, or visit by one of our Cruizers changes her Flag for any purpose, but eventually hoists the Brazilian Flag is declared to be Brazilian Property and appears upon Examination whether with Brazilian or "no papers" to be fitted for the Slave Trade, the undoubted duty of the Commander is to detain and send her to a British Admiralty Court for adjudication. Two sets of Papers may constitute a proof of illegal traffic -

Our instructions say, and Commander Tovell repeats "that the Government of the United States and far from claiming that the Flag of this Union should give immunity to those who have no right to bear it" - for bearing, therefore, a Vessel about whose Nationality a suspicion has arisen, and it turns out notwithstanding her colors, to be well founded, you must deal with her as the Instructions Page 14 require you to do, had she not shown a false Flag - but in all occasions of joint Chase, when circumstances render it practicable, let the visit of a Vessel

Vessel which has shewn American Colors be made first by the Officer of the United States Cruizer, or should circumstances render it necessary that the visit should be first made by one of our Officers, and a doubt be entertained by him of the legality of the Vessels Colors, take her without loss of time to the Senior United States Officer in Company and whilst the American Flag is flying on board of her, let him decide upon the first sight of the Vessel & means by which that we have nothing to do i.e. although she be full of Slaves, but bona fide the property of an American Citizen with correct American Papers, we have no right, we claim no right to detain her, but we do protest against the Flag of the Union being used as a "mere cat's paw" and degraded by illegally covering the cruel and unchristian practice of the Brazilian Slave Dealer— all that is sought may be obtained without any mark of disrespect to the Flag of the United States, without the slightest injury to any American Citizen It is sought only with the desire of suppressing the African Slave Trade, the chief object for which the United Forces of our respective Countries is employed on the West Coast of Africa.

The operation of our Ships (which I may say unfortunately had been in training on the South Coast) being established with that object, and conducted in the same friendly and conciliatory spirit

spirit, as it has been announced by yourself and Colleagues. I feel assured will tend very much to check, if not suppress, the traffic in Slaves, and I hope cement the present friendly alliance of our Countries, and strengthen the good understanding which our Governments are so desirous to maintain.

This letter will I hope relieve you from any doubt or embarrassment.

You are at liberty, should it appear to be desirable, to read it to the American Officer acting with you, and you will make it known to the Commanders of your Division as opportunities offer enjoining them to the continued strict observance of their Instructions in not unnecessarily visiting the American Legal Trader, to abstain from doing so in the presence of a United States Vessel of War, and to give their Commanders every information in their possession relative to the Slave Trade, or any abuse of the American Flag.

I am &c

(signed) Arthur Paget
Commodore

Copy

Commo Ransham to
Capt The Hon Geo F Hastings
In relation to vessels
sailing under the
American Flag, legal
& illegal

Copy

U.S. Ship John Adams
St Paul de Loando 5th Coast of
Africa 22 May 1850

Sir

I hereby protest against the wanton detention and seizure of Vessels claiming American Nationality in the Coast of Africa under any pretence or pretext whatever as unjust to the Commerce of the United States as derogating from the rights of her citizens and as a wanton violation of the treaty of Washington and the law of Nations.

I protest against the practice of the British Cruizers of seizing, under pretence of detaining, Vessels claiming to be American for the purpose of sending them to American authorities, ostensibly - but in effect putting the unfortunate master "to the screws" in order to extract confession if there be suspicion - and sometimes without any grounds for suspicion, as the Ann D Richardson for example, as cruel to the parties and disgraceful to perpetrators.

I protest against the fulfillment of this threat "to send him to the American Commodore" or other American Officers as such Vessels would not be received after seizure by a foreign officer - for as much as it would be an acknowledgement of the right of detention, which will never be

To Admiral
The Hon G D Hastings
Commanding Southern Division
of Her Britannic Majesty's Naval Forces
West Coast of Africa

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Copy

U.S. Ship John Adams
St Paul de Loando S.W. Coast
Africa 22 May 1850

Sir

I hereby protest against the taking, detention and seizure of Vessels claiming American Nationality on this Coast of Africa under pretence or pretexts whatever as annoying to the Commerce of the United States as derogating from the rights of her Citizens and as a wanton violation of the treaty of Washington and the law of Nations.

I protest against the practice of the British Cruizers of seizing, under pretence of detaining, Vessels claiming to be American for the purpose of sending them to American Authorities, ostensibly - but in effect putting the unfortunate master "to the screws" in order to extract confession if there be suspicion - and sometimes without any grounds for suspicion, as the Ann D Richardson for example, as cruel to the parties and disgraceful to perpetrators.

I protest against the fulfillment of this threat - to send him to the American Commodore or other American Officer - as such Vessels would not be received after seizure by a foreign Officer - inasmuch as it would be an acknowledgement of the right of detention, which will never be

Captain
The Hon G.D. Hastings
Commanding Southern Division
of Her Britannic Majesty's Naval Forces
West Coast of Africa

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be avoided by an Officer of the
which would be a release of the
responsibility to the parties or to
-ment of the United States, for their
illegal acts.

I especially Protest against
if the master from his vessel, and
-tion of the proper records of the
or seized - which is the only evidence
can impugn the conduct of the
prove the character of this vessel,
such, and the profit of a prize
to the Captors. I am scarcely
the act, in moderate terms.

I solemnly protest against each
as set forth in the facts above
is violating the letter and spirit
Article of the treaty of Washington
looks to the suppression of the
Slave trade - not to its maintenance
which is done by the consequent
British Cruizers.

I am Very
Your obedient
Humble

he avowed his and Officers of the U States, and which would be a release of the Captors from responsibility to the parties, or to the Government of the U States, for their unfounded and illegal acts.

I especially Protest against the removal of the Master from his Vessel, and the destruction of the papers & records of the Vessel detained & seized — whereby the only evidence which can impugn the conduct of the Captors, & prove the character of the Vessel, is set beyond reach, and the profit of a prize thereby secured to the Captors. I can scarcely characterize the act, in moderate terms.

I solemnly protest against each and all such as set forth in the facts above recited — as violating the letter and spirit of the 8th Article of the treaty of Washington, which looks to the suppression of the African Slave trade — not to its maintenance, which is directly the consequence of the British Cruizers.

I am Very Respectfully
Yr Obed't Servt
L. M.c Powell

…ew of the U States, and
…lease of the Captors from
…parties or to the Govern-
…for their uniformity and

…f against the criminal
… vessel, and the destruc-
…rts of the vessel detained
… only sentence which
…uct of the Captors, or
… the vessel, is set beyond
…f a prize thereby secured
… scarcely characterize
…trans.
…aimed each and all such
…facts above recited –
…w and spirit of the 8th
… of Washington, which
…sion of the African
…its maintenance
…e consequence of the

Very Respectfully
Yr obdt Servt
E M Powell

Copy of Commander
Powell's Protest
Loanda 22 May 1850

(Copy)

U.S. Ship John Adams
St Paul de Loando 3rd Coast
of Africa 22nd May 1850

Sir

I hereby protest against the boarding detention and seizure of Vessels claiming American nationality on the Coast of Africa under any pretence or pretext whatever as inimical to the Commerce of the United States as derogating from the rights of her citizens and as a flagrant violation of the treaty of Washington and the law of Nations.

I protest against the practice of the British Cruizers, of seizing, under pretence of detaining, Vessels claiming to be American for the purpose of sending them to American authorities ostensibly - but in effect for putting the unfortunate master "to the screws" in order to extract confessions if there be suspicion and sometimes without any grounds for suspicion, as the case of Richardson for example, as cruel to the feelings, and disgraceful to perpetrators.

I protest against the fulfillment of this threat - "to send him to the American Commodore" or other american Officer - as such Vessel would not be received after seizure by a foreign officer - in as much, as it would be an acknowledgement of the right of detention, which will now be warmly

To Captain
The Hon G F Hastings
Commanding Southern Division
of Her Britannic Majesty's Naval Forces
West Coast of Africa

687

Copy

U.S. Ship John Adams
St Paul de Loando S.W. Coast
of Africa 22nd May 1850

Sir

I hereby protest against the boarding detention and seizure of Vessels claiming American nationality on the Coast of Africa under any pretence or pretext whatever. As inimical to the commerce of the United States as derogating from the rights of her citizens and as a wanton violation of the treaty of Washington and the law of Nations.

I protest against the practice of the British Cruizers, of seizing, under pretence of detaining, Vessels claiming to be American for the purposes of sending them to American authorities ostensibly: but in effect putting the unfortunate master "to the screws" in order to extract confession, if that be suspicion and sometimes without any grounds for suspicion, as the case of Richardson for example, as cruel to the parties, and disgraceful to perpetrators.

I protest against the fulfillment of the threat "to send him to the American Commodore" or other american Officer as such Vessel would not be received after seizure by a foreign Officer in as much as it would be an acknowledgement of the right of detention, which will now be exercised

To Captain
The Hon G F Hastings
Commanding Southern Division
of Her Britannic Majesty's Naval Forces
687 West Coast of Africa

arrest by an officer of the
would be a release of the Ca
-sibility to the parties or to
of the U States for their inj
acts.

I especially protest again
of the master from his
destruction of the papers a
vessel detained or seized
evidence which can imp
of the Captors, or prove the
the vessel, is set beyond rea
of a prize Court because
can scarcely characterize
-rate terms.

I solemnly protest against
as set forth in the facts
as violating the letter and
Article of the treaty of Wa
looks to the suppression o
Slave trade not to its
which is directly the con
the British Cruizers.

I am

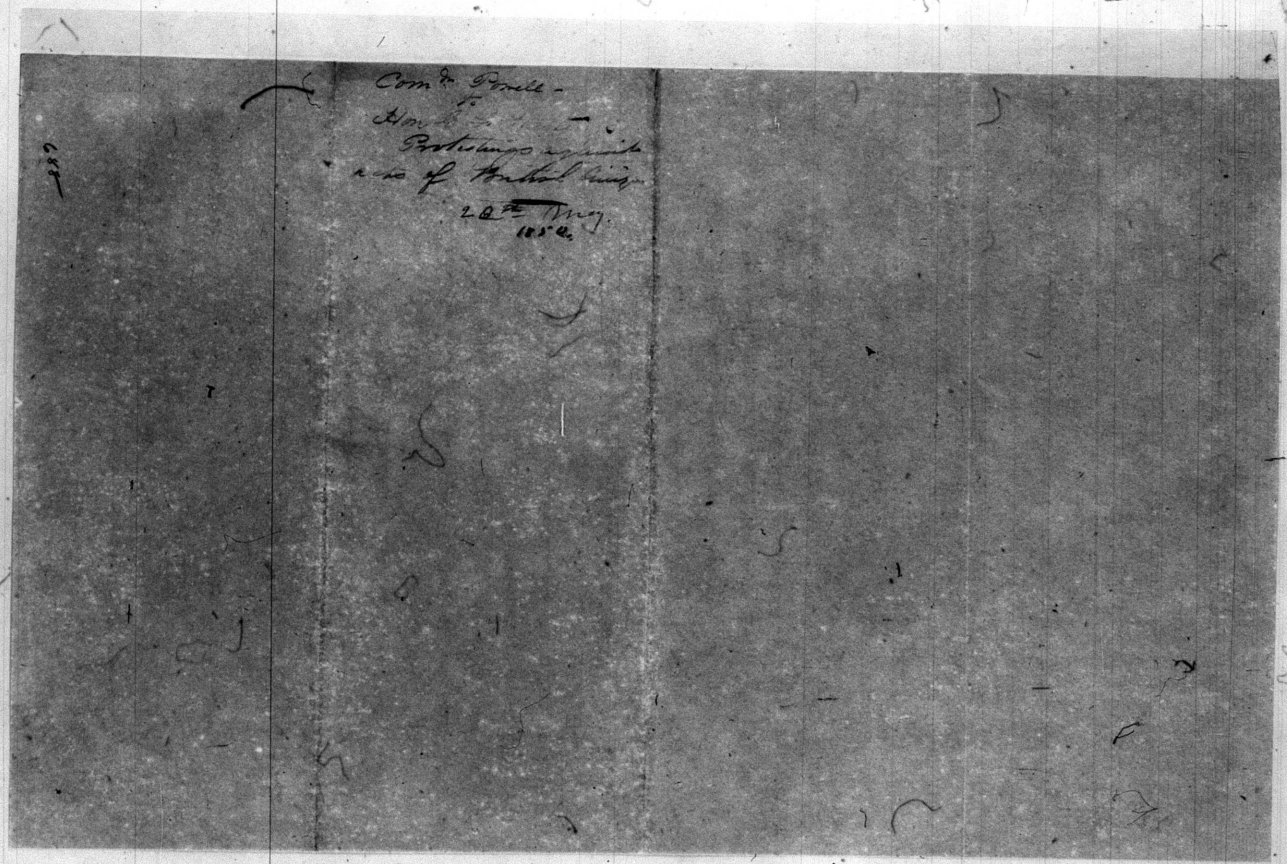
arrived by an officer of the U States, and which would be a release of the Captors from responsibility to the parties, or to the government of the U States for their unfriendly and illegal acts.

I especially Protest against the removal of the master from his Vessel, and the destruction of the proper records of the vessel detained or seized - Thereby the only evidence which can impugn the conduct of the Captors, or prove the Character of the vessel, is set beyond reach and the profit of a prize thereby secured to the Captors: I can scarcely characterize the act in moderate terms.

I also protest against each and all such as set forth in the facts above recited as violating the letter and Spirit of the 8th Article of the treaty of Washington, which looks to the suppression of the African Slave trade - not to its maintinance, which is directly the consequence of the British Cruizers.

I am Very Respectfully
Your Obt Servt
E. M. Powell

Comdr Powell –)
to
Hon. [illegible]
Protesting against
case of Hubbell [illegible]



(Copy)

U.S. Ship Johnston
St Paul de Loando May 26th 1850

Sir

The provisions of this ship being exhausted I sail this day on my return to Porto Praya.

I purpose to go South as far as Benguela to take a look at our interests in that quarter and may perhaps thence touch at St Helena for certain information on my way to the North.

The British force continues under one pretext or another to possess themselves of vessels again American. I had endeavored to head them off so as to avoid the pulling of hostility which the conduct of these Cruizers is exciting in the breasts of our officers and seamen. But stimulated by hope of prize money they are as sharp as the Slave traders themselves and resort to means which I am sure the British Government will condemn as heartily as every honest mind will when informed.

The accompanying protest is my last interview here. I think it right in principle and policy.

Respectfully
I. M. Powell
Commander

To the Com.r of any American
Ships of War.

(Copy)

US Ship John Adams
St Paul de Loando May 26th 1850

Sir

The provisions of this ship being exhausted I sail this day on my return to Porto Praya.

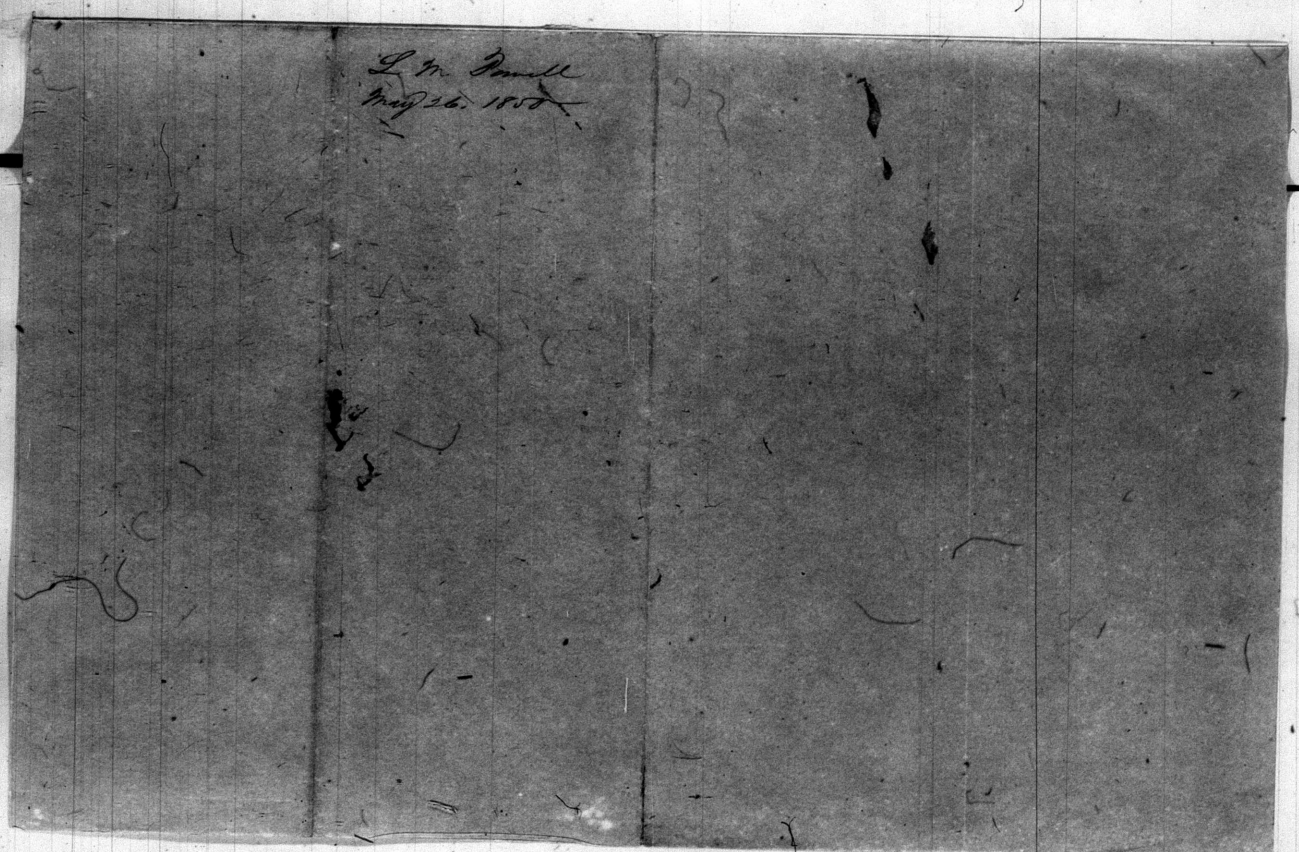
I proposed to go South as far as Benguela to take a look at our interests in that quarter and may perhaps thence touch at St Helena for certain information on my way to the North.

The British force continues under and protest and another to possess themselves of vessels under American. I had endeavored to head them off so as to avoid the feeling of hostility which the conduct of these Cruizers is kindling in the breasts of our officers and seamen. But stimulated by hope of prize money, they are as sharp as the Slave traders themselves and resort to means which I am sure the British government will condemn as heartily as every honest mind will when informed.

The accompanying protest is my last interference here. I think it right in principle and policy.

Respectfully
Wm Powell
Commander

To the Com.r of any American
Ships of War.


L. M. Powell
Aug 26. 1850

Copy

Ambrij June 6. 1850

Dear Sir

Please to pay to Santiago Grijo the sum of 10 dollars and 58 Cents it being the remainder of the wages due him from the Ship Martha

W M M

Ambrij June 6. 1850

Dear Sir

Please pay to Natale Lievolines the sum of 12 Dollars and 42 Cents it being the remainder of the wages due him from the Ship Martha

W M M

Ambrij June 6. 1850

Dear Sir

Please to pay to Joseph Smith the sum of 10 dollars and 58 Cents it being the remainder of the wages due him from the Ship Martha

W M M

Henry Merrill
Mate

Fresh Beef	50 ℔
" Pork	25 ℔
" Fish	8 ℔
" Eggs	4 ℔
Fowls	3 ℔
Cabbage	2 ℔
	94 ℔
Money paid to the people	75 ℔
" due for Mercy	181 ℔
	350 ℔

Ambrij November the 27th 1849

691

Copy

Ambrij June 6th 1850

Dear Sir

Please to pay to Santiago Reijs the sum of 10 dollars and 58 Cents it being the remainder of the wages due him from the Ship Martha

H M M

Ambrij June 6. 1850

Dear Sir

Please pay to Matale Lievlines the sum of 12 dollars and 42 Cents it being the remainder of the wages due him from the Ship Martha

H M M

Ambrij June 6. 1850

Dear Sir

Please to pay to Joseph Smith the sum of 10 dollars and 58 Cents it being the remainder of the wages due him from the Ship Martha

H M M

Henry Monill
Mess

Rusk 1 Barl	50 # 000
Pork	25 # 000
1 Fish	81 000
Eggs	4 # 000
Tools	5 # 000
Cabbage	2 # 000
	94 # 000
Money paid to the Capt	75 000
1 Acct for Money	181 # 000
	350 # 000

Ambrij November the 27th 1849

691

Amboy June 6th 1850

pay to Santiago Trejo the sum
cents it being the remainder
from the Ship Martha"
76 M M

Amboy June 6. 1850

to Natale Lievolines the sum
cents it being the remainder
from the Ship Martha
76 M M

Amboy June 6. 1850

pay to Joseph Smith the
and 58 cents it being the
ges due him from the

76 M M

Amhrig June 6th 1850

Dear Sir

Please to pay to Henry Johnson the sum of 59 dollars 50 cents it being the remainder of the wages due him from the Ship Martha

H & M M

Amhrig June 6th 1850

Dear Sir

Please to pay to R B Forkam the sum of 22 dollars and 50 Cents it being the remainder of the wages due him from the Ship Martha.

H & M M

Amhrig June 6th 1850

Dear Sir

Please to pay to John Francis the sum of 59 dollars and 40 Cents it being the remainder of the wages due him from the Ship Martha

H & M M

Amhrig June 6th 1850

Dear Sir Please pay to Jose Saunda the sum of 21 dollars it being the remainder of the wages due him from the Ship Martha. H & M M

Amhrig June 6th 1850

Dear Sir Please to pay to Jose Oliveira the sum of 1 dollar it being the remainder of the wages due him from the Ship Martha

H & M M

Amhrig June 6th 1850

Dear Sir

Please to pay Antoni Pinto the sum of 5 dollars 50 Cents it being the remainder of the wages due him from the Ship Martha H & M M

Amhrig June 6th 1850

Dear Sir Please to pay to Henry Johnson the sum of 59 dollars 50 Cents it being the remainder of the wages due him from the Ship Martha

H M M

Amhrig June 6th 1850

Dear Sir Please to pay to R B Forbes the sum of 22 dollars and 50 Cents it being the remainder of the wages due him from the Ship Martha.

H M M

Amhrig June 6th 1850

Dear Sir Please to pay to John Francis the sum of 59 dollars and 40 Cents it being the remainder of the wages due him from the Ship Martha

H M M

Amhrig June 6th 1850

Dear Sir Please pay to Jose Lacuda the sum of 21 dollars it being the remainder of the wages due him from the Ship Martha.

H M M

Amhrig June 6th 1850

Dear Sir Please to pay to Jose Oliveira the sum of 1 dollar it being the remainder of the wages due him from the Ship Martha

H M M

Amhrig June 6th 1850

Dear Sir Please to pay Antoni Pinto the sum of 5 dollars 42 Cents it being the remainder of the wages due him from the Ship Martha H M M

692

Copy No 9

Amhrig June 6

Dear Sir Please pay to Jose Martins the sum and 24 Cents it being the remainder of the wa him from the Ship Martha

H M

Amhrig June

Dear Sir Please to pay to Jean Peuni the su and 66 Cents it being the remainder of the w him from the Ship Martha

H M M

Amhrig June

Dear Sir Please to pay to Antonio Dabna sum of 11 dollars and 42 Cents it being the re of the wages due him from the Ship Martha

H M

Amhrig June

Dear Sir Please pay to Girolamo Galenai the su 12 dollars 42 Cents it being the remainder of th due him from the Ship Martha

H M M

Amhrig June

Dear Sir Please to pay Paolo Matonick sum of 12 dollars 42 Cents it being the rema of the wages due him from the Ship Martha H M

Amhrig June

Dear Sir Please to pay Giulio Scarpa the su 10 dollars and 42 Cents it being the remainder o due him from the Ship Martha H M

666

Copy No 2

Amboy June 6th 1850

Dear Sir

Please pay to Jose Martinez the sum of 19 dollars and 24 Cents it being the remainder of the wages due him from the Ship Martha

H M M

Amboy June 6th 1850

Dear Sir

Please to pay to Jean Pierre the sum of 9 dollars and 66 Cents it being the remainder of the wages due him from the Ship Martha

H M M

Amboy June 6th 1850

Dear Sir

Please pay to Antonio Dabrick the sum of 11 dollars and 42 Cents it being the remainder of the wages due him from the Ship Martha

H M M

Amboy June 6th 1850

Dear Sir

Please pay to Bolano Salinas the sum of 12 dollars 42 Cents it being the remainder of the wages due him from the Ship Martha

H M M

Amboy June 6th 1850

Dear Sir — Please to pay Paolo Matovick the sum of 12 dollars 42 Cents it being the remainder of the wages due him from the Ship Martha — H M M

Amboy June 6th 1850

Dear Sir. Please to pay Cicilo Scarpa the sum of 10 dollars and 42 Cents it being the remainder of the wages due him from the Ship Martha — H M M

666

Amboy June 6th 1850

Sir

Please to pay to Henry Johnson the sum of 59 dollars 50 Cents it being the remainder of the wages due him from the Ship Martha

H M M

Amboy June 6th 1850

Sir

Please to pay to R B Forbes the sum of 22 dollars and 50 Cents it being the remainder of the wages due him from the Ship Martha.

H M M

Amboy June 6th 1850

Sir

Please to pay to John Francis the sum of 59 dollars and 40 Cents it being the remainder of the wages due him from the Ship Martha

H M M

Amboy June 6th 1850

Sir — Please pay to Jose Lauda the sum of [illegible] it being the remainder of the wages due him from the Ship Martha.

H M M

Amboy June 6th 1850

Sir — Please to pay to Jose Olivera the sum [illegible] it being the remainder of the wages due him from the Ship Martha

H M M

Amboy June 6th 1850

Sir

Please to pay Antonio Pinto the sum of [illegible] 42 Cents it being the remainder of the wages due him from the Ship Martha H M M

592

Copy No 2

Ambrij June 6th 1850

Dear Sir

Please pay to Hoge Maitland the sum of 13 dollars and 34 Cents it being the remainder of the wages due him from the Ship Martha

H M M

Ambrij June 6th 1850

Dear Sir

Please to pay to Jean Pierre the sum of 9 dollars and 66 Cents it being the remainder of the wages due him from the Ship Martha

H M M

Ambrij June 6th 1850

Dear Sir

Please to pay to Antonio Dabrick the sum of 11 dollars and 42 Cents it being the remainder of the wages due him from the Ship Martha

H M M

Ambrij June 6th 1850

Dear Sir

Please pay to Grolamo Galinar the sum of 12 dollars 42 Cents it being the remainder of the wages due him from the Ship Martha

H M M

Ambrij June 6th 1850

Dear Sir — Please to pay Paolo Matinick the sum of 12 dollars 42 Cents it being the remainder of the wages due him from the Ship Martha — H M M

Ambrij June 6th 1850

Dear Sir Please to pay Giulio Scarpa the sum of 11 dollars and 42 Cents it being the remainder of the wages due him from the Ship Martha — H M M

666

Copy

Private

US Brig Porpoise

off Ambrij June 7th 1850

Commodore

Agreeably to your orders of the 6th inst having left Tinian Island I made the best of my way for Ambrij off which place arrived on the 3d inst. I then learned that the John Adams Commander Dowle was probably at St Paul de Loando for which place I accordingly shaped my course, on the 6th inst at 3 PM made a large ship to windward standing in for the land towards Ambrij at 4 came up with the chase which had "Martha" New York, painted on her stern. The ship hoisted American Colors when I sent the 1st Lieut Mr Rush to board her, as Mr Rush was pulling alongside, those on board discovered by his uniform that he was American & the having hoisted no colors) the ship hauled down the American and hoisted Spanish colors. Mr Rush boarded her and asked for papers, and other proofs of nationality, when the Captain Henry M Merrill said that they had no papers — Sea, or any thing else, at this time something was thrown overboard & when I sent another boat and picked up the entire deck of the Captains which contained sundry papers and letters — these with other papers identifying the Captain as an American Citizen belonging to Jefferson Maine, and the owner of three fifths of the Vessels, a merchant by the name of Joshua M Clapp, who I am informed is an American resident at Rio de Janeiro — after receiving satisfactory proof that the Ship "Martha"

693

(Copy)

[illegible]

US Brig Perry
Off Ambriz June 7th 1850

Commodore

Agreeably to your orders of the 6th ulto having left Princes Island, I made the best of my way for Ambriz, off which place arrived on the 5th inst. I then learned that the "John Adams" Commander Powell was probably at St Paul de Loando, for which place I accordingly shaped my course. On the 6th inst at 3 P.m made a large ship to windward standing in for the land towards Ambriz at 4 came up with the chase which had "Martha" New York, painted on her stern. The ship hoisted American Colors when I sent the 1st Lieut Mr Rush to board her, as Lt Rush was pulling alongside, those on board discovered by his uniform that we were American (We having hoisted no colors) the ship hauled down the American and hoisted Brazilian Colors. Lt Rush boarded her and asked for papers, and other proofs of nationality, when the Captain Henry M Merrill said that they had no papers, Log, or any thing else, at this time something was thrown overboard, when I sent another boat and picked up the writing desk of the Captain which contained sundry papers and letters, these with other papers identifying the Captain as an American Citizen belonging to Topsham maine, and the owner of three fifths of the Vessel, a merchant by the name of Joshua M Clapp, who I am informed is an American resident at Rio de Janeiro, after receiving satisfactory proof that the Ship "Martha"

was a Slaver and abusing th
States, at 6.30 pm we stayed her a
Captain Merrill admitted t
was fully equipped for the Sla
was a lawful prize. We found a
of the Captains Statement. On th
filled with water containing from
one hundred & fifty gallons each,
twenty bbls of Farina for Sla
sacks of Beans. Slave deck and
Iron boilers with brick for bri
them for cooking Slave provisio
the necessary wood work, for Sla
deck. Four hundred wooden sp
Slaves, between thirty & forty m
Agreement between the owner J
resident in Rio de Janeiro & Ca
M Merrill, as Master, also sai
for 2.400 mil reis, probably giv
as security.

There being thirty five Sailo
prize, many of whom appear
deemed it necessary to send a
twenty five of the crew of this
Rush Comdg and Acty Lt Sem
might be safely conducted
New York, for which place she
=turn this evening.

I am
Yr
Andre

Commd Fras H Gregory
Comdg US Naval Forces
Coast of Africa

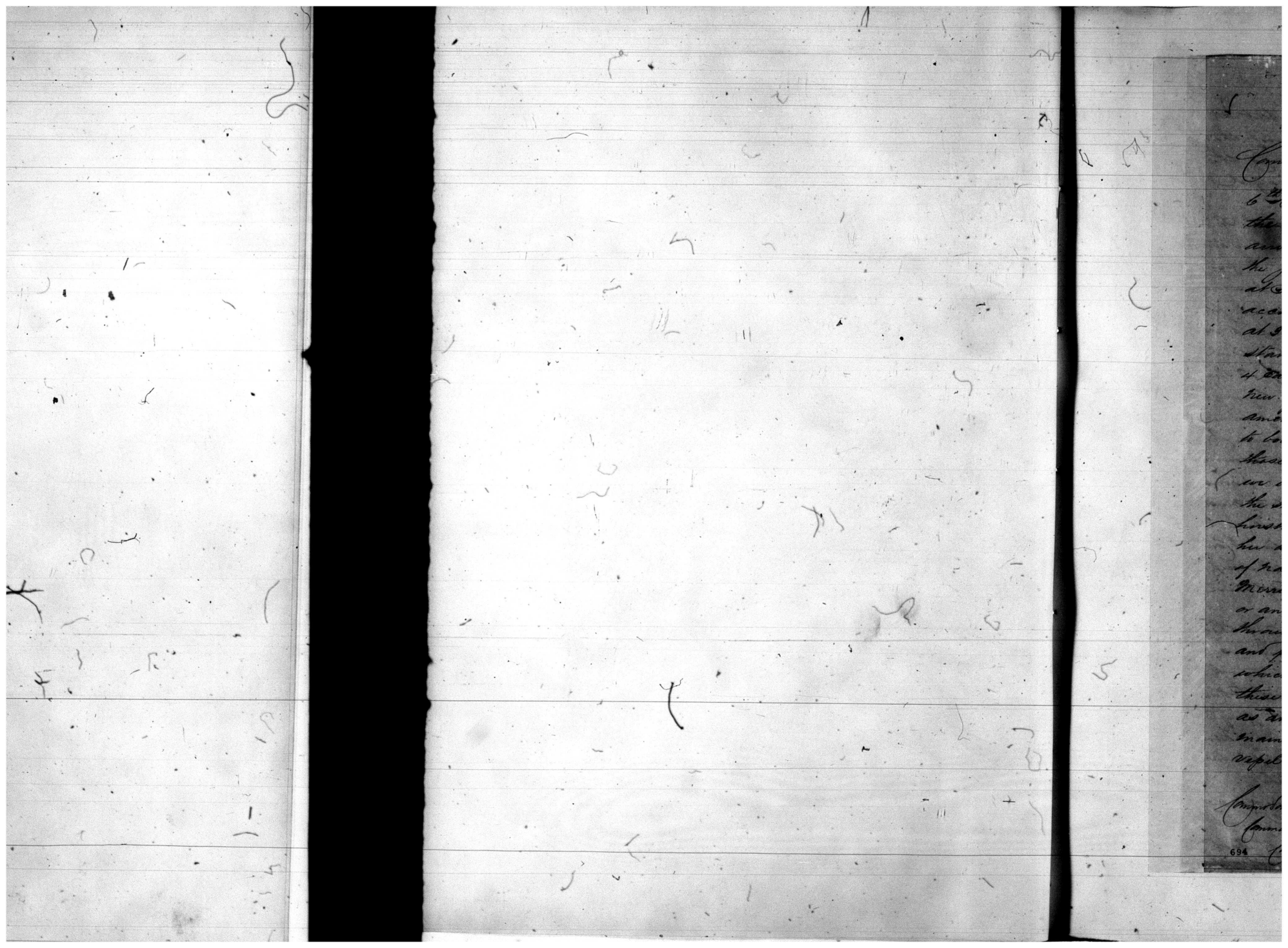
was a Steam and abusing the flag of the United States at 6.30 pm we stopped her as a prize.

Captain Merrill admitted that the Ship Martha was fully equipped for the Slave trade & that she was a lawful prize. We found on board in confirmation of the Captains declaration one hundred & eighty Casks filled with water containing from one hundred to one hundred & fifty gallons each, & one hundred and twenty tubs of Farina for Slave food. Twenty Sacks of Beans. Slave deck ready for laying four Iron tanks in the hold for boiling Farina under them for cooking Slave provisions. Iron bars with the necessary work made, for securing them to the deck. Four hundred weight of Irons for feeding Slaves, between thirty & forty muskets, and an Agreement between the owner Joshua M Lapp residing in Rio de Janeiro & Captain Henry M Merrill as master, also said Lapp owes for 2.400 mil reis, probably given by Captain Merrill as security.

There being thirty five souls on board of the prize many of whom apparently foreigners. I deemed it necessary to send a strong force of twenty five of the crew of this vessel, with St Rush. Sandz and acty Lt Simms, that the prize might be safely conducted to the port of New York, for which place she takes her departure this morning.

I am Sir Very Respectfully
Yr obt Servt
Andrew H Foote
Senior Officer

Commd Chas H Gregory
Comdg US Naval Forces
Coast of Africa



Copy.

At Brig Perry
Off Ambriz June 7th 1850

Commodore

Agreeably to your orders of the 6th Ult having left Princes Island, I made the best of my way for Ambriz off which place arrived on the 5th inst. I then learned that the "John Adams" Commander Powell was probably at St Paul de Loando for which place I accordingly shaped my Course, on the 6th inst at 3 P.M. made a large Ship to windward standing in for the land towards Ambriz. At 4 came up with the Chase, which had "Martha New York painted on her Stern. She hoisted American Colors when I sent the 1st Lieut Mr Rush to board her as Lt Rush was pulling alongside. those on board discovered by his uniform that we were American. We having hoisted no colors, the Ship hauled down the American and hoisted Brazilian Colors, Lieut Rush boarded her and asked for papers and other proofs of nationality, when the Captain Henry M Morrill said that they had no papers. Log, or anything else, at this time something was thrown overboard which I sent another boat and picked up the writing desk of the Captain which contained sundry papers and letters, these with other papers identifying the Captain as an American Citizen belonging to Ipswich Maine, and the owner of 1/8 thereof of the vessel a merchant by the name of Joshua Burnham Esqr

Commodore Thomas K Gregory
Commanding US Naval Forces
East of Africa

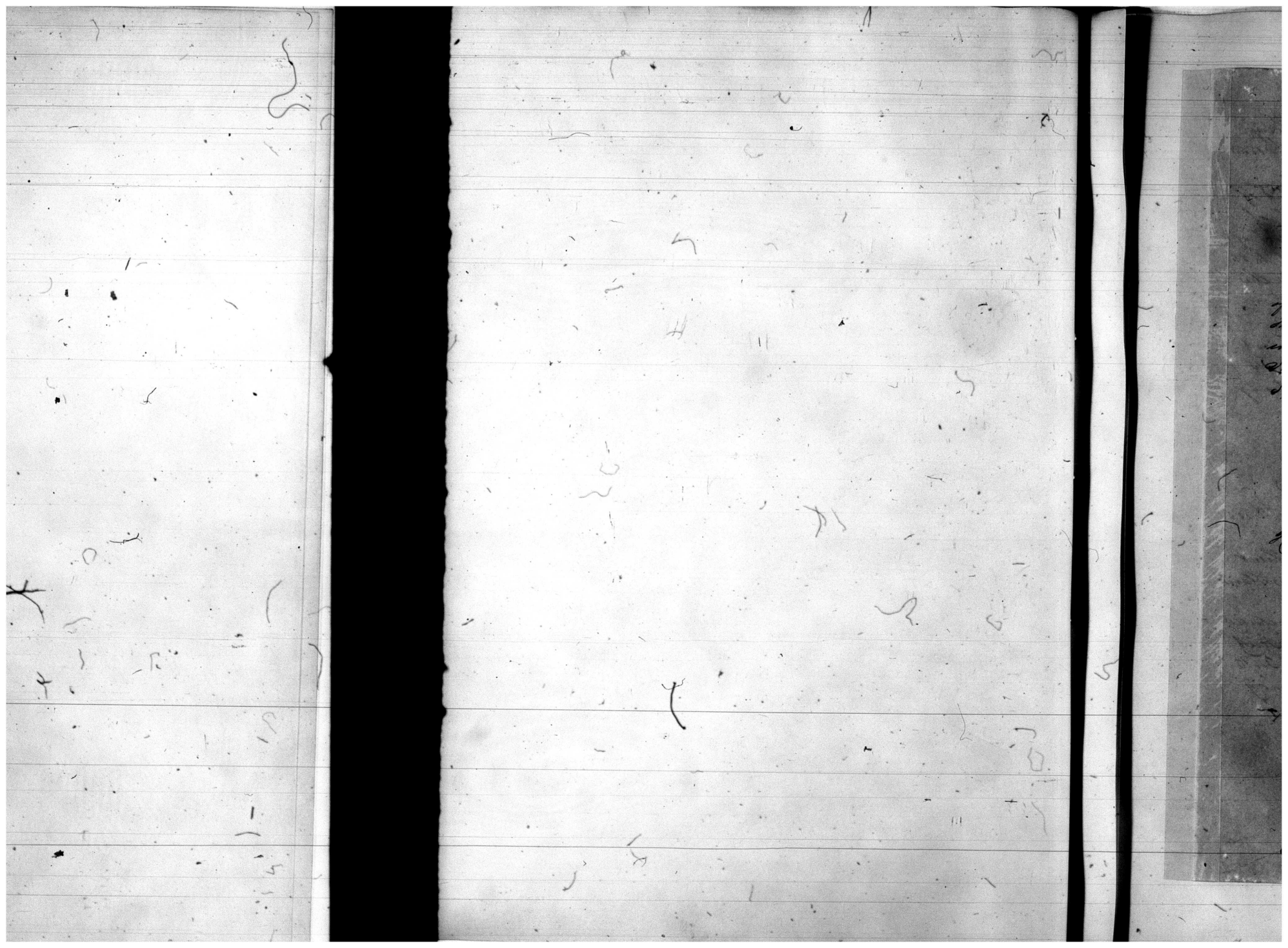
694

who I am informed is an American resident at Rio de Janeiro after receiving satisfactory proof that the Ship "Martha" has a slave and showing the flag of the United States at 6.30 pm we seized her as a prize.

Captain Merrill admitted that the Ship Martha was fully equipped for the Slave trade and that she was a lawful prize. We found on board in confirmation of the Captains statement One hundred and seventy six casks filled with water containing from One hundred to one hundred & fifty gallons each and one hundred and twenty Ibs Gunnoak for Slave food, Seven Sacks of beans. Slave deck ready for laying four Iron boilers with brick for building furnaces under them for cooking Slave provisions. Iron bars with the necessary irons for securing Slaves to the deck, four hundred wooden spoons for feeding Slaves, between thirty and forty muskets and an agreement between the owner Joshua Bo Clapp resident in Rio de Janeiro & Captain Henry Bo Merrill as Master, also said Clapps receipt for 2.400 Mil reis probably given by Captain Merrill as security.

There being Thirty five souls on board of this prize many of whom apparently foreigners I deemed it necessary to send a strong prize of twenty five of the crew of this vessel, with Lt Rush Comdg and Acty Lt Simonds, that the prize might be safely conducted to the port of New-York, for which place she takes her departure this evening.

I am Sir
Very Respectfully
Your Obt Servt
Andrew H Foote
Lt Comdg



U.S. Brig Dem
Off Antelope 4th June 1850

Sir

I have the honor to enclose a Copy of a letter addressed to Commodore Gregory Comdg the U.S. Naval Forces on the Coast of Africa in relation to the Capture of the American Ship Martha of New York engaged in the Slave trade.

I have the honor to be
Sir very Respectfully
Your Obt Servt
Andrew Foote
Lt Comdg

Hon. Wm Ballard Preston
Secy of the Navy
Washington
DC.

US Brig Perry
Off Amboy June 7th 1850

Sir

You will assume the command of the American Slave prize Ship "Martha" of New York and proceed with her to the port of New York and report yourself and report to the Commandant of the Naval Station, and to the Hon. Secretary of the Navy for instructions.

Very Respectfully
Your Obt Servant
Andrew H Foote
Lt Com Sq

Lieut Madison Rush
US Brig Perry

US Brig Perry
Off Amboy June 7th 1850

Sir

You will report yourself to Lieut Rush for duty on board of the American Slave prize Ship "Martha" of New York.

Very Respectfully
Your Obt Servt
Andrew H Foote
Lt Com dg

Acty Lieut Maquier Simms
US Brig Perry

U S Brig Perry
At Sea June 8th 1850

Sir

You are appointed an acting Lieutenant on board of this vessel.

Very Respectfully
Your Obt Servt
Andrew H Foote
Comdg

Acting Master Wallis J Jones
U S Brig Perry

U S Brig Perry
At Sea June 8th 1850

Sir

You are appointed an acting Lieutenant on board of this vessel.

Very Respectfully
Your Obt Servt
Andrew H Foote
Comdg

Pas Midn Edmund Shepherd
U S Brig Perry

U S Brig Perry
At Sea June 8th 1850

Sir

You are appointed Acting Master on board of this vessel.

Very Respectfully
Your Obt Servt
Andrew H Foote
Comdg

Pas Midn Edward E Stone
U S Brig Perry

U.S. Brig Perry
At Sea June 8th 1850

Sir

You are appointed an acting Lieutenant on board of this vessel.

Very Respectfully
Your Obt Servt
Andrew H. Foote
Comdg

Acting Master Wallis D. Jones
U.S. Brig Perry

U.S. Brig Perry
At Sea June 8th 1850

Sir

You are appointed an acting Lieutenant on board of this vessel.

Very Respectfully
Your Obt Servt
Andrew H. Foote
Comdg

Midn Edmund Shepherd
U.S. Brig Perry

U.S. Brig Perry
At Sea June 8th 1850

Sir

You are appointed Acting Master on board of this Vessel.

Very Respectfully
Your Obt Servt
Andrew H. Foote
Comdg

Midn Edward E. Stone
U.S. Brig Perry

696

U.S. Brig
St Paul de Loan
June 12th

Sir

I have the honor of en
you a letter addresse
Commodore Francis H. Gregory, Com
U.S. Naval Forces on the Coast of
I have the hono
Very Respect
Your Obt
Andrew H.
Lt Com

Hon. Wm. Ballard Preston
Secy of the Navy
Washington
D.C.

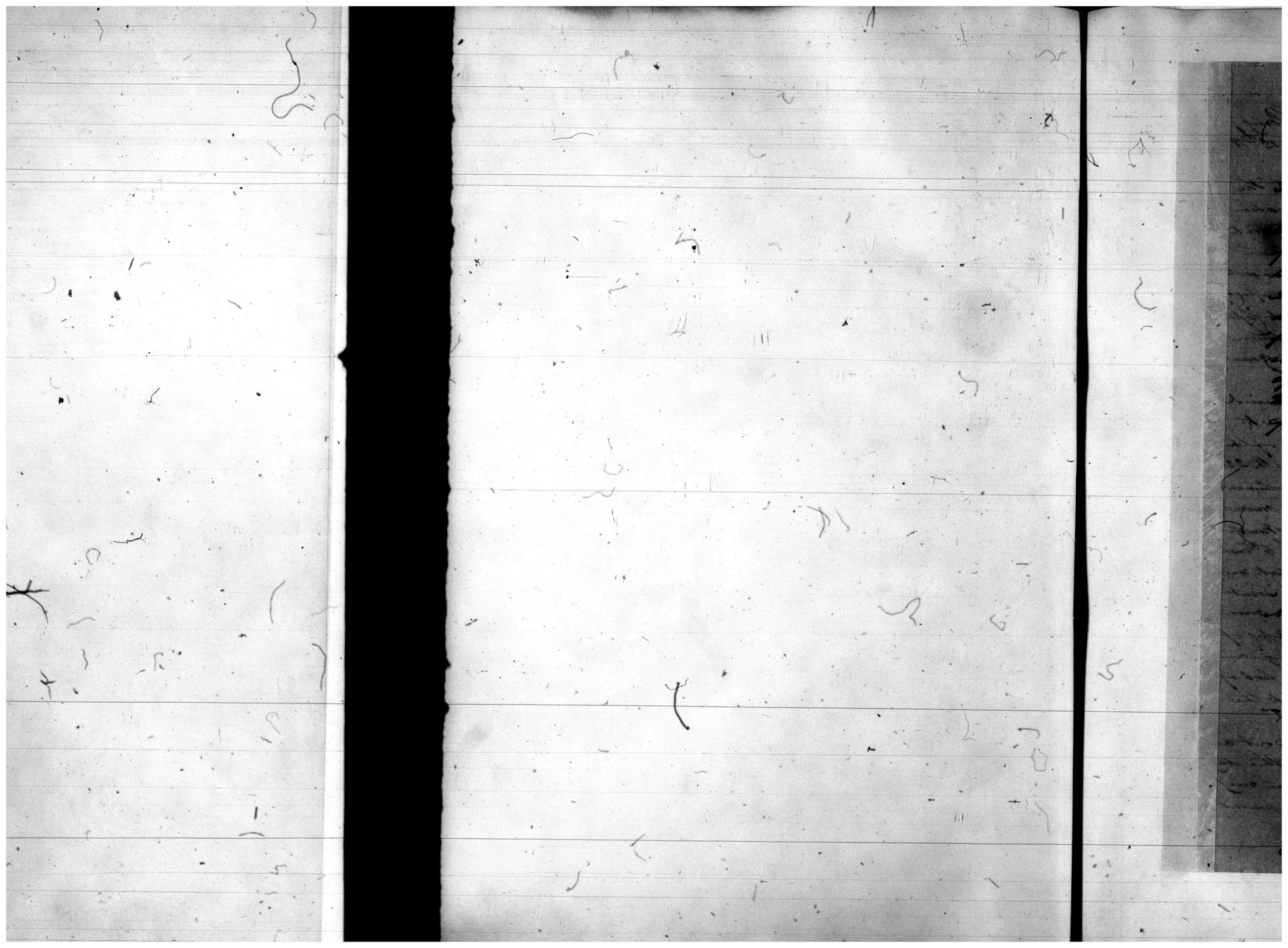
U.S. Brig Perry
St Paul de Loanda
June 12th 1850

Sir

I have the honor of enclosing you a copy of a letter addressed to Commodore Francis H. Gregory, Comdg the U.S. Naval Forces on the Coast of Africa.

I have the honor to be
Very Respectfully
Your Obt Servant
Andrew H. Foote
Lt Comdg

Hon Wm Ballard Preston
Secy of the Navy
Washington
D.C.



Copy

Her Britannic Majesty's Steam
Ship Cyclops, Off Ambriz
11th June 1850

Sir

Having learnt that Commander Powell in the United States Ship of War "John Adams" has left the coast of Africa, and as it is likely that I may not meet him again, I take the liberty of sending you two open Letters that I have been obliged to address him in reply to Letters he left at Loando for me, after the perusal of the same may I request that they may be forwarded to that officer, or to the Commodore Commanding the United States Squadron on this coast by the first opportunity.

I have the honor to be
Sir
Your Obedient Servant
Geo F Hastings
Captain in Her
Britannic Majesty's
Navy

Andrew H. Foote Esqre
Lieut Commanding
United States Ship
of War Perry

Copy

Her Britannic Majesty's Steam
Ship Cyclops, off Ambriz
11th June 1850

Sir

Having learnt that Commander Powell in the United States "Ship of War John Adams" has left the coast of Africa, and as it is likely that I may not meet him again, I take the liberty of sending you two open letters that I have been obliged to address him in reply to Letters he left at Loando for me, after the perusal of the same may I request that they may be forwarded to that officer, or to the Commodore Commanding the United States Squadron on this Coast by the first opportunity.

I have the honor to be
Sir
Your Obedient Servant
Geo F. Hastings
Captain in Her
Britannic Majesty's
Navy

Andrew H. Foote Esqr
Lieut Commanding
United States Sloop
of War Perry

Commodore
We
9th inst, where
from Commander
of provisions being
that day, the 26
touching perhaps
a letter of protest
the Honl Geo F.
Div of Her Majes
of Africa.
The Honl Cap
and has sent
Commander Pow
26th ultimo, and
ulto requesting
Powell or to Comm
The American
captured by this
sailed on the f
command of Lie
Simons, and a
I forwarded
my letter to you,
account of the
the officers and
Honl Secretary
Having
prepared the vessel
for the Congo River
Commt Francis S. G
Comdg US Naval
Coast of Af

US Brig Perry
St Paul de Loando June 12th 1850

Commodore

We arrived at this place on the 9th inst, where I received a communication from Commander Powell, stating that his stock of provisions being exhausted, he should sail on that day, the 26th ultimo for Porto Praya via Benguela, touching perhaps at St Helena, also the copy of a letter of protest which was directed to Captain the Hon. Geo F Hastings, Comdg the Southern Div of Her Majesty's Naval Forces, South Coast of Africa.

The Hon. Captain Hastings has just arrived and has sent me two letters addressed to Commander Powell, in reply to his letter of the 25th ultimo, and to his letter of protest of the 22d ulto. requesting me to forward these letters to Commander Powell or to Commd. Gregory, at my earliest convenience.

The American Slave ship "Martha" of New York, captured by this vessel off Ambriz on the 6th instant sailed on the following day for New York, under command of Lieut Rush with Acting Lieut Simons, and a prize crew of twenty five men.

I forwarded by the "Martha" a copy of my letter to you, of the 7th instant giving an account of the capture, with a prize list of the officers and crew of this vessel, to the Hon. Secretary of the Navy.

Having been four days in port and prepared the vessel for cruising, I sail this day for the Congo River via Ambriz, from whence my present

Commd. Francis H Gregory
Comdg U.S. Naval Forces
Coast of Africa

present plan is to beat up along the East as far as Baquita.

I have purchased thirty bbls of Pork which altho of very inferior quality, as well as that we have on board, is all that can be obtained on the Coast, and were there a supply of other parts of the ration, I should have purchased a sufficient quantity to enable the ships to remain on the Southern Coast for a month longer than proposed when leaving Prince Island.

I shall purchase provision to prolong our Cruise here, if it can be obtained, in the event of not being timely relieved, as the constant presence of a Man of War here is desirable.

Having vacancies I have appointed two acting Masters and a Master from the Dep.t Mis.r Dep.t Jones, Shepherd & Stone, who came out in the vessel but with the express understanding that these appointments should in no way be considered as an objection to their assuming the duties assigned them on board this vessel, when leaving the flag ship, should you send officers to supersede them.

I am Sir Very Respectfully
Your Obd.t Sert
Andrew H. Foote
Lieut. Comd.g

698

U.S. Brig Perry
S.W. Coast of Africa Sunday 1st 1850

Sir

If a Vessel hoists the American flag & of American build & has her name and place of ownership in the United States registered on her stern, or has but a part of these indications of her nationality. You will on boarding ask for her papers, which papers you will examine and retain, if she shall be suspicion of being a slaver, until you have searched sufficiently to satisfy yourself of her real character. If the Vessel be american and doubts exist as to her character you will detain and bring her to this Vessel, or if it can be done more expeditiously you will dispatch one of your boats, communicating such information as will enable me to give specific directions, or to visit the Vessel in person.

If the Vessel be a foreigner, you will on the moment of ascertaining the fact leave her, declining even at the request of the Captain to search, or to endorse her character as it must always be borne in mind that our Government does not permit the search and detention of American Vessels by foreign Cruisers, and is consequently particular to observe towards the Vessels of other nations the same line of conduct, which she exacts from foreign Cruisers towards her own Vessels. You will also remember that our Squadron is on the coast

To the Boarding Officer
US Brig Perry

coast, solely for the protection of American Commerce and for the suppression of the Slave trade as far as it may be carried on by American Citizens, or under the American flag.

Enclosed are the Instructions to the Boarding Officer, and the orders of the Government, for your guidance.

I am respectfully Yours &c
Andrew H. Foote
Lieut Comdg

US Brig Perry
Off Sinking June 22nd 1850

Sir

I have received your letter of the 11th instant, enclosing the letter to Commander Bonds Commanding the US Ship John Adams and agreeably to your request I will, by the earliest opportunity, forward them to that Officer, or to Commodore Gregory Commanding the US Squadron on the Coast of Africa.

I have the honor to be, Sir
Very Respectfully
Your Obdt Servant
Andrew H. Foote
Lt Comdg

Hon Capt Sir D Hastings
Comdg the Southern Division
of St. Helena Squadron
Coast of Africa.

…protection of American
…the suppression of the Slave
…it may be carried on by
…s, or under the American flag.
…the Instructions to the Squa…
…ders of the Government, for

I am respectfully Yours &c
Andrew H. Foote
Senior Offr

U.S. Brig Perry
Off Whydah June 22nd 1854

…received your letter of the
…closing two letters to Commander
…the U.S. Ship John Adams and
…request I will by the earliest
…ce them to that officer or to
…Commanding the U.S. Squadron
…Africa.

I have the honor to be Sir
Very Respectfully
Your Obdt Servant
Andrew H. Foote
Senior Offr

…Denison
…D.

"Copy"

H.M. Britannic Majesty's
Steam Ship Cyclops. At Anchor
South west Coast of Africa
16th July 1850

Sir

I hasten to transmit for your information, according to the agreement entered into between us, to keep you acquainted with all Captures that might be made by the British Cruizers of Brazilian Slave Vessels, who first displayed American Colors to evade search, the following extract from a Report just received from Commander Cumming of H.B.M. Steam Sloop Rattler, with Copies of the other documents transmitted by the same officer, and trust that the same will be deemed satisfactory as far as American interest is concerned.

"Extract"

"I have the honor to acquaint you that off the River Congo on the 2nd July, H.M. Majesty's Steam Sloop under my command captured the Brazilian Brigantine "Volweia" of 190 Tons, a Crew of 117 men, and fully equipped for the Slave Trade, with false papers, and sailing under the American Flag; that the Crew have been landed at Kabenda, and the Vessel has been sent for adjudication to St Helena in charge of Lieutenant Dawkins and 25 men.

I have also the honor to enclose certified "declarations" from the Master, Supercargo, and

Andrew H. Foote Esqr
Lieutenant Commanding
United States Brig of War Perry

700

"Copy"

H.B.M. Steam Ship Cyclops off Ambriz
South West Coast of Africa
16th July 1850

Sir

I have to transmit for your information, according to the agreement entered into between us, to keep you acquainted with all Captures that might be made by the British Cruizers of Brazilian Slave Vessels, who first displayed American Colors to make search, the following Extract from a Report just received from Commander Commanding of H.B.M. Steam Sloop Rattler, with Copies of the other documents transmitted by the same Officer, and trust that the same will be deemed satisfactory as far as American Interest is concerned.

"Extract"

"I have the honor to acquaint you that off the River Congo on the 2nd Instt. H.B.M. Steam Sloop under my Command Captured the Brazilian Brigantine "Valeria" of 190 Tons, a Cuin of 19 Guns, and fully equipped for the Slave Trade, with false papers, and sailing under the American Flag - that the Crew have been landed at Kalonda, and the Vessel has been sent for adjudication to St Helena in charge of Lieutenant Dawkins and six men.

I have also the honor to enclose certified "Declarations" from the Master, Supercargo and

Andrew H. Foote Esqr
Lieutenant Commanding
United States Brig of War Perry

700

Asst Chief Mate, stating
side, Brazilian property
protest &c offer - and the
land at Kalonda, of the
I
Sir

and chief mate, stating the vessel to be bona
fide Brazilian property - that they have no
protest to offer - and that themselves and crew
land at Kabenda, of their free will and consent

I have the honor to be
Sir, Your Obed.t Servant
Geo. D. Hastings
Captain 2nd Regt
Britannic Majesty's Navy

"Copy"

(Signed) Geo' G Hastings Captain of "Cyclops"

We the undersigned belonging to the Brazilian Brigantine "Volusia" do hereby declare that having no protest to offer had no wish to go in the said Vessel for the purpose of defending her and that we go on shore of our own free will and consent.

Given under our hands on board Her
Britannic Majesty's Steam Sloop
Rattler at Sea this 3 day of July 1850

(Signed) Daniel Flentis Cilka
(Signed) J S Nicholas
(Signed) Luis Antº José de Costa

Signed in the
presence of
(Sgd) Arthur Cumming
(Sgd) J McK Godfrey

ny"

sting Captain of "Cyclops"

undersigned belonging to
Brigantine "Volusia" do hereby
ving no protest to offer had
the said Vessel for the
nding her and that we go
our free will and consent.

under our hands on board Her
tannic Majesty's Steam Sloop
ther at Sea this 3rd day of July 1850

d) Daniel Flentis Cilka
d) J S Nicholas
d) Luis Antº José de Casta

ny

"Copy"

To Geo. T. Hastings, Captain of Cyclops

I Jean Dede José Disney Master of the Brazilian Brigantine "Volussia" do hereby declare, that having no protest to offer do not wish to go in the said vessel for the purpose of defending her, and that I go on board of my free will and consent.

Given under my hand on board Her Britannic Majesty's Steam Sloop Rattler at Sea this 8 day of July 1850

(Signed) Jean Dede José Disney

Signed in the presence of
(Sgd) Arthur Cumming, Com[illegible]
(Sgd) Peter McK Gosport Surgeon
(Sgd) J Lawless Master

of Cyclops

se" Disney Master of
sia" do hereby
tat to offer do not
rel for the purpose
l go on Shore of

nd on board Her
Steam Sloop
6 day of July 1856

k Jose Disney

Sir

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instant, with
relation to th
Brigantine "W

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to you, for an
give me - as
founds on boar
them to be fal
of them -

Will
inform me, if
apparently A
as Captain o
the vessel was
first being boar
capture had
to the parties

Hon Capt Geo D
Comdg the Sout
of St Ma Do
Coast of

703

U.S. Brig Perry
Off Ambriz July 17th 1850

Sir

I have recd your letter of the 16th instant, with accompanying documents in relation to the capture of the Island Equatorial Brigantine "Valonia" by H.M. Steamer Rattler.

As the Brigantine in question first displayed American Colors, I will be obliged to you, for any information which you can give me - as to the character of the papers found on board - the reasons for supposing them to be false, and the disposition made of them -

Will you also have the goodness to inform me, if there was a person on board apparently American, representing himself as Captain in the first instance - and if the vessel was declared to the Brazilian on first being boarded or not until after her capture had been decided upon & announced to the parties in charge.

I have the honor to be
Sir, Very Respectfully
Your obt Servt
Andrew H. Foote
Lt Comdg

To
Capt Geo. D. Hastings
Comdg the Southern Division
of H.M. Forces
Coast of Africa

703

US Brig Perry
off Amboy July 17th 1850

Sir

I have recd your letter of the 16th instant, with accompanying documents in relation to the capture of the Sloop Equitable Brigantine "Valencia" by H.M. Steamer Rattler.

As the Brigantine in question first displayed American Colors, I will be obliged to you, for any information which you can give me - as to the character of the papers found on board the reasons for suspecting them to be false, and the disposition made of them -

Will you also have the goodness to inform me, if there was a person on board apparently American, representing himself as Captain on the first instance - and if the vessel was declared to be Brazilian on first being boarded or not until after her capture had been decided upon & announced to the parties in charge.

I have the honor to be
Sir Very Respectfully
Your obt Servt
Andrew H. Foote
Lt Comdg

To
Capt Geo. D. Gosling
Comdg the Southern Division
of H.M. Navy
Coast of Africa

H.M. Britannic Majesty's Steamship
Cyclops off Quebec, South West
Quebec Harbour 23rd July 1850

Sir

I have the honor to acknowledge the receipt of your letter of the 17th inst. which has just been received, relative to requesting further information relative to the capture and detention of the Steam Equipped Brigantine "Volusia" which vessel I have informed you by letter of the 16th Instant, had been seized by Commander Cummings of the Britannic Majesty's Steam Sloop Cyclops on the 2nd Instant.

The purport of your letter I will make known to Commander Cumming and call upon that Officer to answer the questions contained in your communication of the 17th Instant, and hope to transmit his reply to your departure from this coast, either to Toronto or Amherst before the 15th Proximo.

I have the honor to be
Sir. Your Obedient Servant
Wm. D. Hastings
Captain in the
Britannic Majesty Navy

Wm. A. Parker Esqr
Lieut. Commanding
United States Brig of War
Perry

(Private)

H.M. Brig Plover

St Paul de Loando August 8th 1850

Sir

I herewith transmit letter and papers giving detailed information of our operations since leaving Simons Bay under your orders of the 6th of May.

Copies of letter in relation to the capture of the American Slave equipped Ship Martha of New York, together with other occurrences prior to the 12th of June, have been forwarded to the 2nd Secy of the Navy.

Agreeably to the plan of cruising which will be found in the accompanying letter of June 12th We left Loando on the day following & proceeded north to the Congo, and after cruising off that river for several days, beat up the coast as far as Cape Frio, in 18° South Lat. the Southern limit assigned as our cruising ground in your orders of the 9th of January. We have boarded & ascertained the character of all vessels that we have seen, a description of which is given in the accompanying boarding list.

On the night of the 2nd inst when the character of the vessels could not be recognised an exchange of muskets took place between this vessel and H.M. Brig Flying Fish. The Flying Fish having first fired, and tendering no explanation as the vessels passed each other, I sent a gun boat and an officer on board for an explanation and an apology which her Commander made to that officer & immediately came on board of this vessel himself, and received in a satisfactory manner, assuring me that he would have come on board at the time, but for the unreasonableness of the hour, and supposing that as we had fired last the

I have &c
Francis M Cagney
Comdg H.M. Naval Forces
Coast of Africa

704

the matter to us was satisfactorily settled.

Arriving at Ambrig on the 17th Sailing I received the accompanying letter and document from the Hon.t Capt Hastings Comd.g the Southern Div.n of the Navy in relation to the capture of the Slave equipped Brigantine "Volador" by H.M. Steamer Rattler which Brigantine was boarded when under American Colors but captured as a Brazilian Vessel - as this case in many respects is similar to a number which have already been made the subject of correspondence, and the letter of Capt Hastings with accompanying documents not having given all the information desired I was induced to address a letter to Capt Hastings requiring as to the character of the papers the reasons for suppressing them to be false and the deposition made of them, also whether there was an American representing himself as Captain in the first instance and whether the capture was decided upon and announced to the parties in charge before or after the vessel was declared to be Brazilian.

Capt Hastings replied to this letter, stating that he would call on the Commander of the Rattler for the information solicited, and would endeavour to transmit that officers reply to me before our departure for the North Coast on the 15th inst.

Our Commercial intercourse with the provincial governments of Portugal and the Natives on the Coast has been uninterrupted. The question arising in regard to the Treaty with Portugal, whether a vessel by touching and discharging part of the Cargo at a native port is still exempt from payment of one third of the duties on the remaining Cargo, as guaranteed by Treaty when coming direct from the United States, has as I am informed been submitted to our Government. You will probably recollect when we were on the coast in March last, that I forwarded some papers to you obtained from a mercantile house here from the State Dept.t in relation to this subject.

Having cruised eighty days since leaving Princes Island, and our provisions being nearly exhausted, on our arrival, I concluded to remain in this port until the 15th inst., especially as the Vessel required to be put in order, the Crew refreshed after long service, and believing also that the constant presence of a man of war on the South Coast to be in accordance with your views. In the mean time I have despatched the Launch in charge of the Executive Officer Mr Walter F. Jones, on a cruise off Ambriz and Ambrizette, as our presence here may embolden the Slave Merchants to make their shipments from these places, provided no American Cruisers are at hand to prevent them.

I am Sir.
Very Respectfully
Your Obt Servt

Mauritius Squadron

Received at London

H.M. Brig Pony
St Paul de Loando
August 5th 1850

Sir

I herewith transmit letters, and papers, giving details of information of our operations, since leaving Princes Island under your orders of the 6th of May.

Copies of letters in relation to the capture of the American Slave Equipped ship Martha of New York, together with other occurrences prior to the 19th June, have been forwarded to the Rt Hon'ble Lord of the Navy.

Equitably to the plan of cruising which will be found in the accompanying letter of June 12th We stood towards the Bay following, proceeded south to the Congo, and after cruising off that river for several days, beat up the Coast as far as Cape Mayumba in 12° South Lat. the Southern limit assigned as our cruising ground, in your orders of the 9th of June. We have boarded or ascertained the character of all Vessels that we have seen, a description of which is given in the accompanying boarding list.

On the night of the 2nd Inst. when the character of the Vessels could not be ascertained, an exchange of Rockets first took place between this Vessel and H.M. Brig Flying Fish the Flying Fish having fired first, and hailing no explanation, as the Vessels passed each other, I subsequently explained

Comm. Francis Pe Gurney

Comdg H.M. Naval Forces
East of Africa

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sent an Officer on board for an explanation & an apology, which her Commander made to that officer, & immediately came on board of this Vessel himself, & conducted in a satisfactory manner, assuring me that he would have come on board at the time, but for the unreasonableness of the hour, & expressing that as we had first hailed, the matter to us was satisfactorily settled.

Arriving at Amboy on the 17th inst. I found the accompanying letters & documents from the Hon'l Capt Hastings, Comd'g the Southern Division of the Brazil, in relation to the capture of the Slave equipped Brigantine Echo, by the Steamer Rattler, which Brigantine was hoisted when under American Colors, but Captured as a Brazilian Vessel. as this case in many respects is similar to a number which have already been made the subject of correspondence, and the letter of Capt Hastings, with accompanying documents, not having given all the information desired, I was induced to address a letter to Capt Hastings enquiring as to the character of the papers - the reasons for supposing them to be false, and the disposition made of them, also whether there was an American representing himself as Captain in the first instance & whether the capture was decided upon, and announced to the parties in charge before, or after the Vessel was declared to be Brazilian. Capt Hastings replied to this letter, stating that he would call on the Comm'r of the Rattler for the information solicited, and would endeavor to transmit that Officers reply to me before our departure for the north coast on the 18th instant.

Our commercial intercourse with the provincial governments of Patagal, and the ports on the coast has been uninterrupted. The question arising in regard to the treaty with Patagal, whether a Vessel, by touching and discharging part of the Cargo at a native port, is still exempt from payment of one third of the duties, on the remaining cargo, as guaranteed by treaty, when coming direct from the U.S. has as I am informed been submitted to our Government. You will probably recollect, when we were on this coast in March last, that I forwarded some papers to you (obtained from a mercantile house here) from the State Department, in relation to this subject.

Having cruised eighty days since leaving Tampa Island, and our provisions being nearly exhausted, on our arrival, I concluded to remain in this port until the 15th instant, especially as the Vessel required to be put in order, the crew refreshed after long service, and believing also that the constant presence of a man of war on the South Coast to be in accordance with your views. In the mean time I have despatched the Launch in charge of the Executive Officer Mr Walter A Jones, on a cruise off Amboy & Barbuyte as our presence here may encourage the slave Merchants to make their shipments from those places, provided no American Cruizer is at hand to prevent them.

I am Sir Very Respectfully
Your Obt Servt
Andrew H Foote
Lt Comdg

Copy

Wm Hastings Captain of "Cyclops"

H. M. Steam Sloop "Rattler"
Off the River Congo. Augt 10th 1850

Sir

In reply to your letter dated the 23rd July 1850 and received this date relative to the capture of the Brazilian Brigantine "Volusia", requesting me to furnish you with a report more in detail of the circumstances in connection with that seizure.

For the information of Lieutenant Coote commanding the H. M. Brig of War "Perry" I have the honor to inform you that I personally boarded the "Volusia" on the 2nd of July off the Congo. She had the American Ensign flying and on the production of documents purporting to be her papers. I at once discovered the Register to be false, it was written on foolscap paper with the original signature erased, her other papers were likewise forgries. I therefore immediately detained her, They had been presented to me by the ostensible Master (apparent an American but

Captain
Wm. G. F. Hastings
H.M. Frigate "Cyclops"

but stating himself to be a Brazilian and claiming the protection of that Empire. The Register and Muster Roll were destroyed by the Master, the remainder of the records were sent in lieu to St Helena, for adjudication.

On my discovering her papers to be false, he immediately hauled the Ensign down, removed the Hatches and called the remainder of the crew 12 in number, all Brazilians from below.

I have the honor to be
Sir,
Your most obedient Servant

/ Signed / Arthur Cumming
Commander.

Capt Hon G F Hastings
12 Aug 1850 —

Papers in relation to
the capture of the
Volusia —

Her Britannic Majesty's Steam Ship
Cyclops, off Point Palmarinha
South West Coast of Africa
12th August 1850

Sir

In compliance with the promise made you in my Letter of the 28th Ultimo, to furnish you, according to your request, with further details from Commander Cummings of Her Britannic Majesty's Steam Sloop Rattler, relative to the capture of the Slave

Equipped

Andrew A. Foote Esqr
Lieutenant Commanding
United States Sloop of War
Dale

equipped Vessel "Volusia" on the 2nd
of the same Month, I have now
the honor to inclose you the particulars
of the said Capture, which I
trust will be satisfactory.

I would acquaint you
that the British Commander
in Chief is now on the South
Coast, to whom all further
reference must be made for
any information that may be
required by you.

I have the honor to be
Sir
Your obedient servant

Captain in Her
Britannic Majesty's
Navy

Papers from Capt. Hastings
H.B.M. Navy

Copy

Chas Shirley Esq Captain of "Cyclops".

From the Honorable Geo F Hastings
Captain of Her Britannic Majesty's Steam
Ship "Cyclops".

To Commodore Gregory the Commander
in Chief of the United States Naval Forces
on the West Coast of Africa.

"Cyclops" Loanda
9th August 1850.

Sir,

Having learnt from Commander
Harvey of Her Britannic Majesty's Sloop
"King's Fisher", that the American Brigantine
"Chatsworth" had been detained by the United
States Brig of War "Perry", on suspicion of
having Surveyed Slaves from this Coast a
few Months ago, and having on my arrival at
this Port last night also heard the kindness of
Lieutenant Foote of the "Perry" ascertained
that the above report was correct, and that
he had considered it his duty from the
previous information that Heads given him
relative to the suspicious character of the
"Chatsworth" to detain her for Scrutiny. I am
sure you will therefore pardon my troubling

you

you by letter, with the particulars connected with this Vessel, which caused me to entertain the suspicions in question.

In the Month of October last the "Chatsworth" arrived at Ambriz, and was boarded by the Boats of Her Majesty's Steam Ship under my Command, we found her to be originally from a Port in the United States with a General Cargo for Africa, commanded by a person of the name of Johnstone, who was also the owner. Her Papers, then stated her to be a Brigantine. This "Chatsworth" discharged her Cargo after some Weeks between Ambriz and this Port, and continued sailing between Loanda and the River Congo, for sometime afterwards, apparently from her light draught of Water, only in Ballast, and her movements in my opinion being most suspicious for a legal Trader.

On visiting this Port after the "Chatsworth" had discharged Cargo, for the purpose of Coaling, I was informed, that the Master had disposed of this Vessel to a Senhor Carpo of this City, and shortly after this report, a Third no official Transfer or Sale appeared to have taken place, the "Chatsworth" arrived again off Ambriz, with the Son in law and Clerk of Senhor Carpo on board, still with the American Ensign Flying, and

and consequently was not again boarded by us.

Owing to Light Winds and strong currents, the Cruizers were set off the land, and on Sighting Ambriz again, were the "Chatsworth" had been left at anchor, she was observed to have Sailed, an Officer of this Ship landed some time afterwards and on making enquiries learnt from the American and British Merchants resident there, that that Vessel had Shipped a Cargo of Slaves, and escaped along the land, with them, and I soon after learnt from the Officer Commanding Her Britannic Majesty's Steam Vessel "Pluto," that he had chased her, but night coming on, had lost Sight of her, the above information was corroborated on our next visit to this Port, he having it publicly stated that the "Chatsworth" had conveyed Slaves away, and I therefore, having no doubt in my own mind from the previous knowledge of her movements, that the same was correct, in consequence considered it my duty to give the information of the suspicious character of this Vessel, to the first American Vessel of War, I fell in with, and therefore tendered the same to the Commander of the "John Adams" and the "Perry."

This

This is all the information that I am able to give you, Sir, relative to the "Chatsworth" but from having had a great deal of experience with fraudulent Vessels that visit this Coast for the purpose of embarking Negroes perhaps I am would allow me to offer the following suggestions which might be attended to in a further scrutiny of this Vessel.

1st I have reason to believe that Johnston who was Master of the "Chatsworth" on her last voyage, here, and who still appears as the reputed owner, did not go over in this Vessel to the Brazils when she left this place, if not, how does the exchange of Masters take place at Pernambuca, further altho' Johnston is stated to be the owner I question whether he would appear, (or indeed any American Citizen) in the Courts of the United States to defend her were she sent for trial.

2nd The Ground Tier of Casks in her hold should all be examined to ascertain whether Water is not substituted for aqua Ardente, and a strict search made to see if every article of Cargo agrees with her Manifest.

3rd When the "Chatsworth" left this Port last

what

Answer —
Cleared out in ballast
for Benguela & instead
Came to Ambriz — where
she is said to
have shipped slaves.
E.M.

What Port did she clear out for in the Brazils", this can be ascertained by an examination of the Official Bulletin published in this City.

4th. The Signatures and Seals of the American Consuls at Pernambuco, should be closely Scrutinized, as to whether they are not forgeries as <u>American Legal Traders</u> on this Coast have never had <u>Crews of Brazilians</u> with an <u>Italian</u> Supercargo on board, and which I am given to understand the "Chatsworth" had.

With the suspicious character of the "Chatsworth", and there being on board of her Farinha, which is the usual Food for Slaves, together with a quantity of Planks, which can be laid as a Slave Deck, and having an entire Foreign Crew instead of those belonging to the Nation the Colors of which she assumes, I have no hesitation in stating that a British Vessel similarly situated would be condemned by our Admiralty Courts as a Vessel engaged in the Slave Trade.

I have the honor to be
Sir,
Your obedient Servant
(Signed) Geo F. Hastings
Captain

Copy

Captain Hastings — Captain of Cyclops

From the Honorable Geo. F. Hastings
Captain of Her Britannic Majesty's
Steam Ship "Cyclops" —
To Commodore Gregory Commander in
Chief of the United States Naval Forces
employed on the West Coast of Africa.

"Cyclops" Loanda
22nd August 1850

Sir,

I have the honor to forward you
a declaration made before me this day
by an Officer of Her Britannic Majesty's
Steam Ship under my Command
having reference to the suspicious
character of the Brigantine "Chatsworth"
now under your scrutiny to which I
alluded in my official communica-
tion to you of yesterday.

I regretting

Regretting my inability to furnish you with further evidence of the illegality of the trading and proceedings of a Vessel of so suspicious a character as the "Chastewalle"

I leave the Honor to be

Sir,

Your obedient Servant

(Signed) Geo F. Rastings

Captain

Copy

Mr Hastings Captain of "Cyclops"

I, Alfred Ormond West a Commissioned Officer in Her Britannic Majesty's Navy belonging to Her Britannic Majesty's Steam Ship "Cyclops" do hereby solemnly declare that on or about the 12th day of April 1850 I was awaiting an opportunity of returning to my Ship, then in the Offing, in company with Mr. Gevin, American Merchant and Mr. Power British Merchant, together with the several Slave Dealers, resident there, when the Gentlemen before mentioned informed me publicly, in the presence of the Slave Dealers, that the American Brigantine "Chatsworth" had shipped a Cargo of Slaves from the neighbourhood of Ambriz, sometime in the previous month.

Signed by me this 22nd day of August 1850 on board the "Cyclops" at Loanda on the South West Coast of Africa.

(Signed) A. O. West. In the presence of (Signed) Geo F. Hastings
Captain

Letter & papers from
Hon. W. A. Hastings
12th Sept. 1858
containing information
of the "Chatsworth" —

U.S. Brig Perry
Off Loanda August 29 1850

Sir

By authority of Commodore Gregory I appoint you a Master Mate on board of this vessel, which appointment is to continue in force until the deficiency of Officers which require this appointment be supplied from other sources.

I am Respectfully
Yours &c
(Signed) Andrew H. Foote
Lt Comdg

Mr. Clark D. Wilcox
U.S. Brig Perry.

U.S. Brig Perry
Off Loanda August 29th 1850

Sir

By authority of Commodore Gregory I appoint you a Master Mate on board of this vessel, which appointment is to continue in force until the deficiency of Officers which require this appointment be supplied from other sources.

I am Respectfully
Yours &c
(Signed) Andrew H. Foote
Lt Comdg

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U.S. Brig Perry
Off Amboy Sept 2nd 1850

Sir

Agreeably to the inclosed copy of a letter from Commodore Conner giving permission and authority to appoint two Master Mates in consequence of the small number of Officers attached to this vessel. I have appointed Theodore Dunbar, and Clark T Welch as master mates, which appointments I respectfully request may have your approval, in order that the person holding them, may obtain the pay of that grade.

I have the honor to be
Very Respectfully
Your Obt Svt
Signed A Andrew M Pook
Lt Comdg

Hon Wm Ballard Preston
Secy of the Navy
Washington

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U.S. Brig Perry
Off Amboy Sept 2nd 1850

Sir

By authority and with the approval of Commodore Conner I have appointed Midps Selden and Jones, acting Lieutenants and Mr Shepherd acting Master. Copies of which appointments and a letter authorizing them from the Commodore are herewith inclosed

I have the honor to be
Very Respectfully
Your Obt Svt
Signed A Andrew M Pook
Lt Comdg

Hon Wm Ballard Preston
Secy of the Navy
Washington
DC

US Brig Perry
Off Ambriz Sep 5th 1850

Sir

You will proceed with the 1 Cutter of this vessel towards the American Brig Chatsworth and at night drop your anchor sufficiently near her to ascertain if she ships a Cargo of Slaves. In which case you will seize her and remain in charge until we arrive in the Perry.

You will return to this vessel at the expiration of one week, and sooner if circumstances render it necessary.

Respectfully
Your Obt Servt
(signed) Andrew H Foote
Lieut Comdg

Acting Lieutenant
Edward A Selden
US Brig Perry.

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US Brig Porpoise
Off Ambriz Septr 6th 1850

Sir

On leaving Loanda on the 28th ultimo I proceeded to Ambriz and resumed cruising there in company with the Hon'l Capt Hastings.

We have boarded four vessels and among the number the "Chatsworth," which vessel I sent to you at Loanda in charge of Lieut Rinshaw.

I found her papers still correct, but she has lumber that will answer for a slave deck and fanimba. Slave food, and bright casks which may be available for water, together with other suspicious marks. I have dispatched a boat to remain sufficiently near to ascertain if she ships slaves.

In case the Chatsworth leaves this place if circumstances render it advisable, I will follow her as long as will be consistent with the performance of other duties which you have assigned me.

I am Sir, Very Respectfully
Your Obt Servt
(Signed) Andrew M Pride
Lt Comdg

Comm'r Francis H Gregory
Comdg US Naval Forces
East of Africa.

U S Brig Perry
Off Ambrizette Sept 7th 1850

Sir

You will take charge of the Cutter remaining sufficiently near the American Brig Chatsworth suspected of being engaged in the Slave trade, and in case she takes on board Casks or any article required to equip a Slave Vessel on board of her, you will detain her until the return of this vessel.

If you have suspicions that she is preparing to take in Slaves, you will also detain her until we meet you.

Respectfully
Your obt Servt
(Signed) Andrew H Foote
Lt Comdg

Acting Master
Edmund Shepherd
U S Brig Perry

Copy Enclosure with No 2-

(signed) Geo B Hastings Captain of Cyclops

H[er] Majesty's Brigantine "Daphne"
off Amboy 8th Sept[r] 1850

Sir

I have the honor to inform you that at daylight on the 7th inst. being about 70 miles off the land a sail was observed on the lee bow, whilst H[er] Majesty's Brigantine under my command was steering to the Eastward, I made all possible sail in chase and the chase was observed making more sail, and keeping away, and owing to the high winds I was unable to overtake her before 8.30 A.M. on this day when being close to her and no sail shortened, I directed a signal gun right ahead to be fired, and hailed the chase to shorten sail, and heard the chase answered he could not, and requested I would keep to leeward, and said if we wanted to board him, we had better make haste about it, and that we might fire, and be damned.

I directed another gun to be fired across her bows, when she immediately shortened sail, and hove to, it being night no colors were observed to be flying on board the chase nor was I aware of what her character might be.

I was proceeding myself to board her, when she tore up again, with the apparent intention of escaping. I was therefore compelled to hoist the Boat up again, and to close her under sail. I reached the chase

Hon G B Hastings,
Captain
H.M.S. Cyclops
Senior officer

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chased on the second attempt and found her to be the "Louisa Beaton" American Brigantine. The master produced an American Register with a Transfer of Masters, which threw on my opinion a doubt of its authenticity, and on requesting further information the Master refused to give me any, nor would he shew me his port clearance. Our List & Log.

I Lieut Dawkins who accompanied me identified the mate of the vessel, as having been in charge of the Slave Brig "Lucy Ann" captured by Her Majesty's Steam Sloop Rattler with 500 Slaves in Bedy Lord.

Under these suspicious circumstances I considered it my duty as the "Louisa Beaton" was bound to Ambriz to place an officer and crew on board of her, so as to confer with any American Ships or Vessels before allowing her to proceed on her voyage, if a legal Vessel.

I have the honor to be
Sir, Your Obed't Servt
(Signed) Henry Dempster
Lieut Comdg

(Copy) Enclosure No 2 of

15

(Signed) Geo B Hastings, Captain of Cyclops

H M S Brigantine Dolphin
Off Ambriz 8th Septr 1850

Sir

I have the honor to inform you that I accompanied Lieut H Dempster in the middle watch of this night of the 7th & 8th September, to board the American Brigantine Louisa Beaton.

On arriving on board the Captain refused to shew his original Clearance, Log and Manifest, and was very insolent in his answers and Questions.

And I beg leave to state that his mate now on board was captured by H M S & Rattler in the month of February last off Ambrizette, he being then acting Captain of a Brig called the Lucy Ann - at the time of Capture she had 517 Slaves on board, and was condemned at St Helena, as a prize to the Rattler.

I have the honor to be
Sir, Your Obed't Servt
signed Richard Dawkins
Lieut H M Steam
Sloop Rattler

H M G B Hastings
Captain H M S Cyclops
Senior Officer

Copy

Captain of Terpsichore.

Her Majesty's Brigantine "Dolphin"
off Cowes 8th September 1850.

Sir,

I have the honor to inform you that at daylight on the 7th Instant being about 70 Miles off the Lands a Sail was observed on the Lee Bow, whilst Her Majesty's Brigantine under my Command was Steering to the Eastward, I made all possible Sail in Chase and the Chase was observed making more Sail and Keeping away, and owing to the light Winds I was unable to overtake her before 0-30 P.M. on this day when being close to her, and no Sail shortened, I directed a Signal Gun right a beam to be fired, and hailed the Chase to Shorten Sail and Heave to, Chase answered he could

Hon G. F. Hastings
Captain
Her Majesty's Terpsichore
Senior Officer

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could not, and requested leave to pass to Leeward and said if we wanted to board him, we had better make haste about it, and that we might fire, and be damned.

I directed another Gun to be fired across her Bows, when she immediately shortened Sail and hove to, it being Night; no Colors were observed to be flying on board, the Chase, nor was I aware of what her Character might be,

I was proceeding myself to board her, when she bore up again, with the apparent intention of escaping. I was therefore compelled to hoist the Boat up again, and to chase her under Sail. I reached the Chase on the Second attempt and found her to be the "Louisa Beaton," American Brig of two; the Master produced an American Register, with a Transfer of Master, which threw, in our opinion, a doubt of its authenticity, and on requesting further information the Master refused to give me any, nor would he shew me his Port Clearance, Crew List or Log.

Lieutenant Dawkins who accompanied me identified the Mate, of this Vessel, as having been in charge of the Slave Brig "Lucy Ann" captured by Her Majesty's Steam Sloop "Rattler" with 500 Slaves in February last.

Under these Suspicious circumstances I considered it my duty, as the "Louisa Beaton" was bound to Cuba, to place an Officer, and Crew on board of her, so as to confer with the American Consul as to whether before allowing her to proceed on her Voyage if a Legal Vessel.

I have the Honor to be,

Sir

Your obedient Servant

(Signed)

Henry Temple Lieutenant Commg

Copy Report from Lieut. Captain of "Cyclops"

H.M. Brigantine Dolphin
Off Cumbrix, 8 September 1850

Sir,

I have the honor to inform you that I accompanied Lieutenant Templer in the Middle Watch of the Night of the 7th and 8th September, to board the American Brigantine Louisa Beaton.

On arriving on board the Captain refused to show his Original Crew list Log, and Manifest, and was very insolent in his Answers and Conduct.

And I beg leave to state that the Cask now on board was captured by H.M.S. Rattler in the Month of February last, off Ambrosetti, he being then Acting Captain on board a Brig called the Lucy Ann; at the time of Capture she had 574 Slaves on board, and was condemned at

Hon'ble F. Hastings
Captain H.M.S. Cyclops
Senior Officer

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at St Helena, as a Prize to the "Rattler."

I have the honor to be
Sir
Your obedient servant
(signed) Richard Dawkins
Lieutenant & Master
Sloop Rattler

Hon'ble Capt Geo. P. Hastings
Off Hamburg 9th Sept 1850.

Sir relative to the
"Louisa Boatin".

Extract from Commander Powell's Letter of 7 April 1850, to Captain Hastings, relative to the Nationality of Vessels, for the information Lieutenant Foote Commanding U. S. Brig of War Perry

"The Vessel is American in "model, an American claims to "be her Master, as also her Mate, "and Crew in part, - the papers "are exhibited, the Log Book "opened, all under her proper "Flag".

The Boarding of the Louisa at Beaton by the Dolphin took place at night, her Register and the Transfer of Master, were the only documents presented. The Transfer stated that

The Register is the only document required to prove nationality.
The Transfer of Master was a paper in form, and with the
Register, was the only document which ought to have been
called for. All the papers were strictly in form, & the
Louisa was a legal American trader. A.H.F.

that her owner and Master had
died of the prevailing epidemic
at Rio de Janeiro; that Mr
Savage was sworn as Master,
but no fresh owner named
and therefore the Register in
the opinion of the Commander
of the Dolphin was an informal
one: Log Book and
other documents refused

[illegible] Captain in
H.B.M. Navy

Cyclops
off Ambriz
10 Septr 1850

Capt. The Hon. G. B. Hastings

Containing extract from a letter of Comdr. Powell in relation to "Nationality of Vessels"

Rec.d 16th Sept.r from Capt. Hon. G. B. Hastings

(Copy)

No. 13. No. 2

Her Britannic Majesty's Steam
Ship Cyclops off Ambriz
9th September 1850

Sir

I have the honor to transmit
you a Letter received from Lieut Henry Temple
Commanding Her Britannic Majesty's Brigantine
Dolphin, relating to the chasing, boarding and
detention of the American Brigantine "Louisa
Bolton" on the 7th & 8th inst, together with a
copy of a Letter from Lieut Richard Dawkins
belonging to Her Britannic Majesty's Steam
Sloop Rattler.

Immediately on their joining me in com-
pany, I proceeded with Lieut Temple to the
"Louisa Bolton" the Master produced the Register
and the Transfer of Master in the Harbor of Rio
de Janeiro, in consequence of the death of her
late Master Mr Joseph Bailey, but refused to
shew any other documents.

On examining the Register and having
met the vessel before on this coast, I immed-
iately decided that her nationality was
perfect, but that owing to the conduct pursued
by the Master, in withholding documents
which should have been produced on boarding
has led to the unfortunate detention of
this vessel.

I informed the Master, that I would
immediately order her to be released and
that on putting in with you, all due
enquiry into the matter, should be made
for his satisfaction, he positively refused
to take charge again, stating that he must

Andrew K Pink Esqr
Lieut Comdg
H.M. Brig of War Dove

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would immediately abandon her, on the "Dolphins" crew quitting, and prefer requested me to bring the vessel before you.

As much valuable property might be lost, should the Master carry his threat into execution, I have thought it best to send you off Ambrizy, in order that due enquiry might be made prior to the "Dolphin" quitting this part of the Coast for the Southward.

I accordingly anchored here at 6 p.m. yesterday in company with Her Majesty's Brigantine Dolphin, and the Louisa Beatrix and met your Cutter in charge of Mr E. Shepherd, to whom I made known the circumstances of this case, who kindly consented to accompany me on board the "Louisa Beatrix" for further enquiry.

I proceeded therefore to the "Louisa Beatrix" this morning, accompanied by Lieut Temple and Mr Shepherd and in the presence of both officers stated to the Master, that the detention of his vessel by the Commander of the "Dolphin" arose from the refusal on his part to show the proper documents to the Boarding Officer, authorizing him to navigate the vessel in these seas, and to his mate having been identified by one of the "Dolphins" officers as having been captured in charge of a slave Vessel having on board 317 Slaves in February last, named the "Lucy Ann", who attempted to evade capture by the displaying of the American Ensign, as well as to his suspicious manoeuvring in the Chase, but as I felt persuaded on Examination that the "Louisa Beatrix" was an American Vessel, and her papers good, altho' a most important document was absent, namely the Sea Letter usually given by Consular Officers to Legal Traders after the Transfer of Masters, I should direct the Commander of the "Dolphin"

"Dolphin" to resign the charge of the "Louisa Beatrix" which was accordingly done and that on meeting you I would lay the whole circumstances before you, and was ready, if you demanded it to give any remuneration or satisfaction on the part of the Commander of the "Dolphin" for this unfortunate detention of the "Louisa Beatrix" whether engaged in legal or illegal Trade, that he might in fairness demand from us, and you might approve of. The Master positively refused to take charge again, and Mr Shepherd immediately stated, that as the Master refused to do so, and the vessel was American, he would take charge until your arrival.

I sincerely regret this occurrence as I am requested by Lieut Temple of the "Dolphin" to assure you, that no disrespect was intended to the Flag of the United States, or even interference on his part with Traders of America be they legal or illegal, but the stubbornness of the Master and the identifying of one of his mates, as having been captured in a Brazilian Vessel, trying to evade detection by the display of your Flag, has led to this mistake.

I shall await your arrival either at anchor or in the offing, and send this dispatch with Mr Shepherd

I have the honor to be
Sir Your obt Servt
(signed) Geo J Hastings
Captain in H.M.
Navy

I beg to state that the Watches of the "Louisa Beatrix" have not been opened, nor the Vessel or Crew in any way examined

(sgd) Geo J Hastings
Captain H.M. navy

— Copy —

Her Britannic Majesty's
Steam Ship Cyclops
Off Aubrez 9th Sep. 1850

Sir

I have the honor to transmit you a letter received from Lieutenant Henry Temple Commanding Her Britannic Majesty's Brigantine Dolphin relating to the Chasing boarding and detention of the American Brigantine "Louisa Beaton" on the 7th and 8th Inst. together with a copy of a letter from Lieutenant Richard Dawkins belonging to Her Britannic Majesty Steam Rotter.

Immediately on their joining me in Company I proceeded with Lieut Temple to the "Louisa Beaton" The Master produced the Register and the Transfer of Masters on the Harbour of Rio de Janeiro, in Consequence of the death of her late Master Mr Joseph Farley but refused to show any other documents

On Examining the Register, and having met the Vessel before on this Coast I immediately decided that her nationality was perfect, but owing to the Conduct pursued by the Master in withholding documents, which should have been produced on boarding, has led to the unfortunate detention of this Vessel

I informed the Master, that I would immediately Order her to be released, and that on falling in with you all due Enquiry

Andrew H. Frost Esqr.
Lieut Comdg
H.B.M. Brig of War Dove

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into the matter should be made for his satisfaction. he positively refused to take charge again, stating that he would immediately abandon her on the "Dolphin's" Crew quitting, and further requested me to bring the Vessel before You,

As much Valuable property might be lost, should the Master carry his threat into Execution, I have thought it best to Send You off Ambriz in order that due Enquiry might be made prior to the "Dolphin" quitting this part of the Coast for the Southward,

I Accordingly Anchored here at 6 pm Yesterday in Company with Her Britannic Majesty Brigantine Dolphin and the "Louisa Beaton", and Met Your Cutter in charge of Mr. Shepherd, to Whom I made known the Circumstances of this case, who kindly Consented to Accompany me on board of the "Louisa Beaton" for further Enquiry

I Succeeded therefore to the "Louisa Beaton" this morning, Accompanied by Lieut Temple and Mr Shepherd, And in the presence of both Officers, Stated to the Master, that the detention of his Vessel by the Commander of the "Dolphin" arose from the refusal on his part to Shew the proper documents to the boarding Officer, Authorizing him to navigate the Vessel in these Seas, and to his mate having been identified by one of the "Dolphin's" Officers ~~as having been Captured by one of the "Dolphin" Officers~~ As having been Captured in charge of a Slave Vessel having on board 547 Slaves, in Feby last named the "Lucy Ann" — who Attempted to evade Capture by the display of the American Ensign, as well as to his Suspicious Manoeuvring in the Chase, but as I felt perswaded on Examination that the "Louisa Beaton" Was an American ~~Vessel~~ And Her Papers Good, altho' a most important document was absent, Namely, the Sea Letter usually Given by Consular Officers to Legal Traders, after the Transfer of Masters, I Should direct the Commander of the "Dolphin" to resign the Charge of the "Louisa Beaton", which was Accordingly done, And that on meeting you I Would lay the whole Circumstances before you and was ready if you demanded it to give Every remuneration or Satisfaction on the part of the Commander of the "Dolphin" for this Unfortunate detention of the "Louisa Beaton" whether engaged in Legal or Illegal trade, that he might in fairness demand on us, as you might approve of. The Master positively refused to take Charge again, and Mr Shepherd immediately states, that as the Master refused to do so, and the Vessel was American, he would take Charge until your Arrival

I Accordingly regret this occurrence, as I am requested by Lieut Temple of the "Dolphin" to assure you, that no disrespect was intended to the Flag of the United States, or any interference on his part with Vessels of America, be they Legal or Illegal, but the Stubbornness of the Master And the identifying of one of his mates

as having been Captured in a Brazilian
Vessel trying to evade detention by the display
of your flag. has led to this mistake.

I shall await your arrival either at
Anchor or in the offing, and send this desp-
atch with Mr Stephens

I have the honor to be
Sir Your Ob Servt

Signed Geo F Harding
Captain in H.M.
R.M. Navy

I beg to state that the Hatches of the
"Louisa Gratiao" have not been opened, nor the
Vessel or crew in any way Examined

Signed Geo F Harding
Capt in H.M. R.M. Navy

H.r Britannic Majesty's Steam
Ship "Pelops" off Ambriz.
9th September 1850.

Sir,

I have the honor to transmit you a Letter received from Lieutenant Henry Temple, Commanding H.r Britannic Majesty's Brigantine "Dolphin" relating to the chasing, boarding, and detention of the American Brigantine "Louisa Beaton", on the 7th and 8th Instant, together with a copy of a Letter from Lieutenant Richard Dawkins belonging to H.r Britannic Majesty's Steam Sloop "Rattler".

Immediately on their joining me, in company, I proceeded with Lieutenant Temple to the "Louisa Beaton", the Master produced the Register, and the Transfer of Master, in the Harbour of Rio de Janeiro in consequence of the death of her late Master Mr Andrew H. Cook

I have &c.
Joseph Denman
Lieutenant Commanding
United States Brig of War
"Perry"

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Joseph Bailey, but refused to shew me any other documents.

On examining the Register, and having met the Vessel before, at this Coast, I immediately decided that her Nationality was perfect, but, that owing to the conduct pursued by the Master, in withholding documents, which should have been produced on boarding, has led to the unfortunate detention of this Vessel. I informed the Master, that I would immediately order her to be released, and that on sailing in with you, all due enquiry into the matter should be made for his satisfaction: he positively refused to take charge again, stating that he would immediately abandon the "Dolphin" I gave a written, and further requested me to bring the Vessel before you.

As much valuable property might be lost, should the Master carry his threat into execution, I have thought it best to anchor off Lindisfarne, in order that due enquiry might be made prior to the "Dolphin" quitting this part of the Coast for the Southward.

I accordingly anchored here at 6 PM yesterday, in company with H.B.M. Brigantine Dolphin, and the "Louisa Beaton", and sent your Letter in charge of Mr. J. Shepherd, to whom I made known the circumstances of this case, who kindly consented to accompany me, on board the "Louisa Beaton" for further enquiry.

I proceeded therefore to the "Louisa Beaton" this morning, accompanied by Lieutenant Semple and Mr Shepherd, and in the presence of both Officers stated to the Master, that the detention of his Vessel by the Commander of the "Dolphin", arose from the refusal on his part to shew the proper documents to the Boarding Officer, authorizing him to navigate the Vessel in these Seas, and to his Flag having been identified by one of the "Dolphin" Officers, as having been captured in charge of a Slave Vessel, having on board 554 Slaves in February last, named the "Lucy Anne", who attempted to evade capture by the displaying of the American Ensign, as well as to his suspicious manoeuvring in the Chase, but as I felt persuaded on examination that the "Louisa Beaton" was an American Vessel, and her Papers good, altho' a most important document was

was absent, namely, the Protection usually
given by Consular Officers to Legal Traders
after the Transfer of Masters. I should
direct that Commander of the Dolphin to
resign the charge of the Louisa Eaton,
which was accordingly done; and that on
meeting you I would lay the whole
circumstance before you, and was
ready & willing to do what ever
remuneration, or satisfaction on the part of
that Commander of the "Dolphin" for the
unfortunate detention of the "Louisa Eaton,"
whether engaged in Legal, or Illegal Trade,
that he might in Justice demand of
me, and you might approve of. The
Master positively refused to take charge
again, and Mr Shepherd immediately
stated, that as the Master refused to do so,
and the Vessel was American, he
would take charge until your arrival.

I expeditiously reported this occurrence as
I am requested by Lieutenant Temple
of the Dolphin to assure you, that no
disrespect was intended to the Flag of
the United States, or even interference
on his part, with Traders of America
be they Legal, or illegal, but the
obstinacy of the Master, and the

identifying

identifying of one of his Boats, as having been
captured in a Brazilian Vessel, Prizing to
to invade detention by the display of your
Flag, has led to this mistake.

I shall await your arrival either
at Anchor, or in the Offing, and leave
this dispatch with Mr Shepherd

I have the honour to be
Sir
Your obedient Servant

Captain in His
Britannic Majesty's
Navy

I beg to state that the Watches of the
Enclosed Boats, have not been opened, nor
the Vessel or Crews in any way examined.

Captain in H.B.M. Navy

6
Aug

Ad Brig Boxer
Off Ambrizette Sept 11 1850

Sir

On the 5th inst we proceeded to Ambrizette leaving a Boat at Ambriz to watch the movements of the Brig Chatsworth.

While at Ambrizette conceiving that it would subserve the interests of the American factory there I called on the Queen of the surrounding Country informed her that our Government had sent a man of War on the coast to protect our Commerce and to prevent American Vessels and American citizens from being engaged in the Slave trade that the Government was friendly disposed to all nations and never made war upon them when they permitted our people to pursue their trade without molesting them, and impressed upon her the advantages of trading with our people with gum, Copper Ivory &c, instead of permitting her own people to be sold as Slaves for the purchase of goods. The Queen complained that the men of war especially their boats chased her fishermen and took forcibly from them their fish, which were the principal support of her people. I assured her that our men of War or their boats were never permitted to do this or in any way to molest her people, that we are her friends & the friends of her people.

I am under the impression that occasional intercourse of this kind with the native authorities will subserve the interest of an increasing trade on the coast, and with that view intend making a visit to the most powerful King on this region, who lives ten miles in the interior.

I am Sir Very Respectfully
Your Obt Servt
(Signed) Andrew H Foote
Lt Comdg

Comm Chas H Gregory
Comdg US Naval Forces
736 East of Africa

U S Brig Perry
Off Ambriz Sep 12th 1850

Sir

As you have applied for Captain Burbank of the Brig Chatsworth, as your Second Officer, and as he was not in the Brig Chatsworth when she took slaves on her last voyage, and as he has given his affidavit in the case of the Brig=antine Chatsworth believing her to be designed for the slave trade, as the supercargo has authority to dispose of her, and has for her a set of Brazilian papers. I will comply with your request and permit him to be shipped accordingly, as I have no evidence of his having been engaged in the slave trade.

Respectfully
signed A. H. Foote

Captain Andrew H Savage
"Louisa Beaton"

Copy

I the undersigned Super-cargo of the American Brig Chatsworth, bound from Pernambuco to the ports of West Coast of Africa, loaded with Brazil rum, and other Merchandize, as by the Manifest on board Certificated by the American Consul on the said port of Pernambuco arriving at this port on the 13th of August last, And beginning to deliver the Cargo for this place. happened that on the 16th ditto was Stopped the discharge, and also detained the Brig by orders of the American Comodore Stationed at Loando, to which port the said Vessel sailed and Arrived on the 19th ditto were being examined by the said Comodore was Cleared to proceed his Voyage which can be seen by the note made on his log Book in form that was delivered at Loando the Cargo for that place. And after all legally despatched by the Competent Authority, Started on the 2d Inst to south ports of the Coast, And laid Anchor at this port on the 3d Inst: Continuing in discharge of the rest that had on board for this place - happened that to day was Stopped the discharge by order of Captain of the U.S.A.N. Brig Perry, and also detained the said Brig Chatsworth, by all meanings the undersigned protests for his good right for the rest of cargo on board as following, in the Value of $ 320$ Money of Loando, being Authorized by Francisco José dos Santos Ferraz - owner of a portion of the rest of Cargo left on board of the same Brig, Not Only I protest for the Value of Cargo, but also for demorage, profits, time lost and all for my good right -

737

Note of Cargo

24	Pipes of Brazilian Rum	at	100$	2.400$ 00
1	Calf do	do	do	50$ 00
2	Bbls do	do	do	50$ 00
1	Bbl Wine Gin			25$ 00
77	Bags of Farina	@	12$	924$ 00
33	ditto of Rice	at	16$	528$ 00
200	@ of Beef	"	6$	1200$ 00
120	pine planks of 1½ inches, thick		20$	2400$ 00
10	Bbls White Sugar	at	25$	250$ 00
5	do. of Brown do	at	20$	100$ 00
97	Cases of Wine	at	10$	970$ 00
7	Boxes Gin	for		350$ 00
35	Bbls of sweet preserved fruits	at	3$	105$ 00
40	Tins of fine Sugar		7$	280$ 00
1	Case of Straw Hats		8$	88$ 00
		Loaded Money		7.320$ 00

And to be Known And used for all Meaning & in Any part of World I Made the present protest in Duplicate, One of each to be Signed by the said Captain of the H.M. Brig Rose, And the other to be delivered to him for his own use

Ambriz 11th " September 1850

Signed Fer. Serralungo

"Copy" No. 3. [1850, Sept. 12]

United States Brig Perry off Ambriz South West Coast of Africa, September twelfth One Thousand eight hundred and fifty. Personally appeared before me, Andrew A. Savage aged thirty seven years, a citizen of the United States belonging to the town of Woolwich in the State of Maine, and now master of the American Brigantine Louisa Beaton last from Rio de Janeiro and bound to St. Paul de Loando, owned by Messrs. Lawrence & Co. of New London, State of Connecticut. Who being duly sworn on the Holy Bible deposeth and saith as follows. On Saturday September the Seventh eighteen hundred and fifty being about the latitude 8° South and longitude 10° East, at 7.30 in the morning I made a sail to the Eastward, which sail was still in sight at Sunset of the same day at half past one of the second night I again observed her from the firing of a gun at which time she was within hailing distance, I at once displayed a light and hoped the Gun Vessel to be the Mary, a few minutes after I made her out to be a Brigantine, another gun was fired at us which was shotted, the ball passing close by the stern of my Vessel, thinking that our position could not be seen owing to the darkness of the night, I kept off and run close alongside of the strange Vessel, again hove to, and spoke her, asking if they were in want of anything, they answered that they wanted to board us, I requested them to be in as much haste as possible, that I was in a hurry, and did not wish to be detained, they answered "If you do not come to I will fire into you". I replied, "my people is hard by, you can fire and be damned". I was ordered to take in my

studding sails, which I refused as the tacks were already let go— I again demanded if they intended to board me, and they said "they would shortly" and in answer to the question of my nationality and destination, I stated "that we were American bound to St Paul de Loando". I was informed that the Brigantine was an English Man of War. The Brigantine now rounded and lowered a boat, when two officers came on board, whom I afterwards found to be Captain Temple Comdg H.B.M. Brigantine Dolphin and Lieut Dawkins of H.B.M. Steamer Rattler, the latter who made all the enquiries— requested me to show them the papers of my vessel, I asked which papers, and was told the Register, Crew list, Shipping Articles, Log Book, Port Clearance, Invoices and in fact all the papers I had belonging to the vessel. I refused to do so, saying if they wished to see my "Register and Port Clearance" I would permit them to do so, Being asked my objection to showing the others, I said that owing to the ungentlemanly manner in which I had been treated being fired into without knowing my character, I would only show them such papers as were required, according to the laws of nations, to establish my nationality— I handed them the Register, which after a time only sufficient to examine the signature of Geo Kent the US Consul at Rio de Janeiro— Lieutenant Dawkins pronounced to be false— Being angry at this, I asserted "that if that signature was false, all the rest of my papers were false, and there was no use of showing them". I however showed the "Port Clearance" and in answer to his assertion that it required the Consul's seal, I said he knew nothing about it, that it was not required— I then asked Captain Temple what he intended to do with me, and he said he "would

consult with this officer" and stepped aside for a few minutes, being anxious to get in port next morning, I thought I would brace forward the fore yard, that we might be making something on our course, When Captain Temple countermanded my order I said to him "I suppose you will take charge" he said "yes" and hailing his Brig gave orders for "Mr Lowe to come on board" for a few minutes between twenty and thirty men and officers were on board, I was ordered to my Cabin together with all my officers and a Sentry placed at the door, my Crew was sent below and also put in charge of a Sentry, and the course of the Vessel changed. At 8 a.m. next day a sail was made, which we came up with about midday it proved to be H.B.M. Steamer Cyclops, Captain Hastings, Senior Officer of Southern Division of H.B.M's Forces, Captain Temple then came on board accompanied by Captain Hastings, and the latter made request to see my Register, which I at once complied with, this he examined, and I asked him if he wished to see the other papers, he replied that the Register was sufficient— He then said to Captain Temple, the "Louisa Beaton" was as legal a Vessel as could sail, and that he was very sorry that such a thing should have happened— He then requested me to take charge of her and proceed on my voyage, observing that it was an oversight on Captain Temple's part— this I positively refused as I did not think myself authorized to do— but requested to be carried to an American Man of War, I was accordingly taken to Ambriz where we arrived at 6 p.m. the next day— the 9th at 8 a.m. Mr Shepherd one of the officers of the United States Brig Perry, having been left at Ambriz with a Boat, in the absence of that vessel, came on board in Company with Captain Hastings and Captain

Temple. I again refused to take charge until the affair was settled by some one having the proper authority. Captain Hastings asked what indemnity I would consent to receive and proceed on my voyage. and I told him at that time I would settle it for One thousand Dollars, and he said very well whatever Captain Foote or the American Commodore may think right. Captain Hastings then stated his intention of withdrawing his men, and Mr Shepherd said that if I still refused to take charge it would be his duty to do so. Mr Shepherd took charge at 9 o clock a.m. until the arrival of the United States Brig Perry, Lieutenant Commanding Andrew H Foote.

Witness (signed) A S H Savage

(signed) Andrew A Henderson
P. Asst Surgn USN

(signed) J. W. Hunter, Captn's Clerk

Sworn and subscribed before me, this twelfth day of September Eighteen hundred and fifty as Witness my hand and Official Seal.

(signed) Andrew H Foote
Lieut Comdg

Seal

Manuscript # 740 relocated 6/4/84 HAW

From the Honorable George Fowler
Hastings Captain of Her Britannic
Majesty's Steam Ship Cyclops
To Andrew H. Foote Esqr
Lieutenant Commanding the
United States Brig of War Perry

"Cyclops" Off Ambriz
25th September 1860.

Sir,

In compliance with your request,
I beg to forward you Copies of
Letters Addressed to Commodore
Gregory the Commander in Chief of
the United States Naval Forces on the
Coast of Africa, respecting the
then alleged illegal Trading of the
American Brigantine "Chatsworth," and
trust that they will be of use to
you in proving the illegal character
of that Vessel, which, I have your

Served

sailed on the 11th Instant on suspicion
of her being engaged in the Slave
Trade.

I have the honor to be
Sir
Your obedient servant

Captain under
Britannic Majesty's
Navy

Rear Admiral Knox

L.B. No 4

H.M. Brig Pearl
Off Ambrizette Sept 13th 1850

Sir

Your letter of the 9th inst enclosing a letter from Lieut Comd Henry Temple, Comd'g H.M. Brigantine "Dolphin" and Lieut Richd Dawkins of H.M. Steam Sloop Rattler in relation to the chasing, boarding and detention of the American Brigantine "Louisa Beaton" on the 7th & 8th inst. by Her Majesty's Brigantine "Dolphin", also in relation to the present Mate of the "Louisa Beaton" having been Master of the "Lucy Ann" when captured by H.M. Steam Sloop "Rattler" with 540 Slaves on board, have been received.

I have in person visited the "Louisa Beaton" conversed with the Master, taken his affidavit, examined her papers, and found her to be in all respects a legal American trader.

The Sea Letter of which you speak as being usually given by Consular Officers after the transfer of Masters, is only required when the vessel changes Owners, and not when circumstances require, as in this case, the appointment of a new Master. The papers given by the Consul, authorizing the appointment, and stating the reasons for appointing the present Master is in form, as are all the papers of the vessel.

I must respectfully decline being a party concerned in any arrangement of a pecuniary nature for the satisfaction of the Master of the "Louisa Beaton", for the detention and seizure of his vessel. If such arrangement however be made between the Master of the "Louisa Beaton" and the British Officers, it will be my duty to give the information

H.M. Asst Gen'l Hastings
Comd'g the Southern Division
of Her B.M. Forces
740 Coast of Africa

information to my Government.

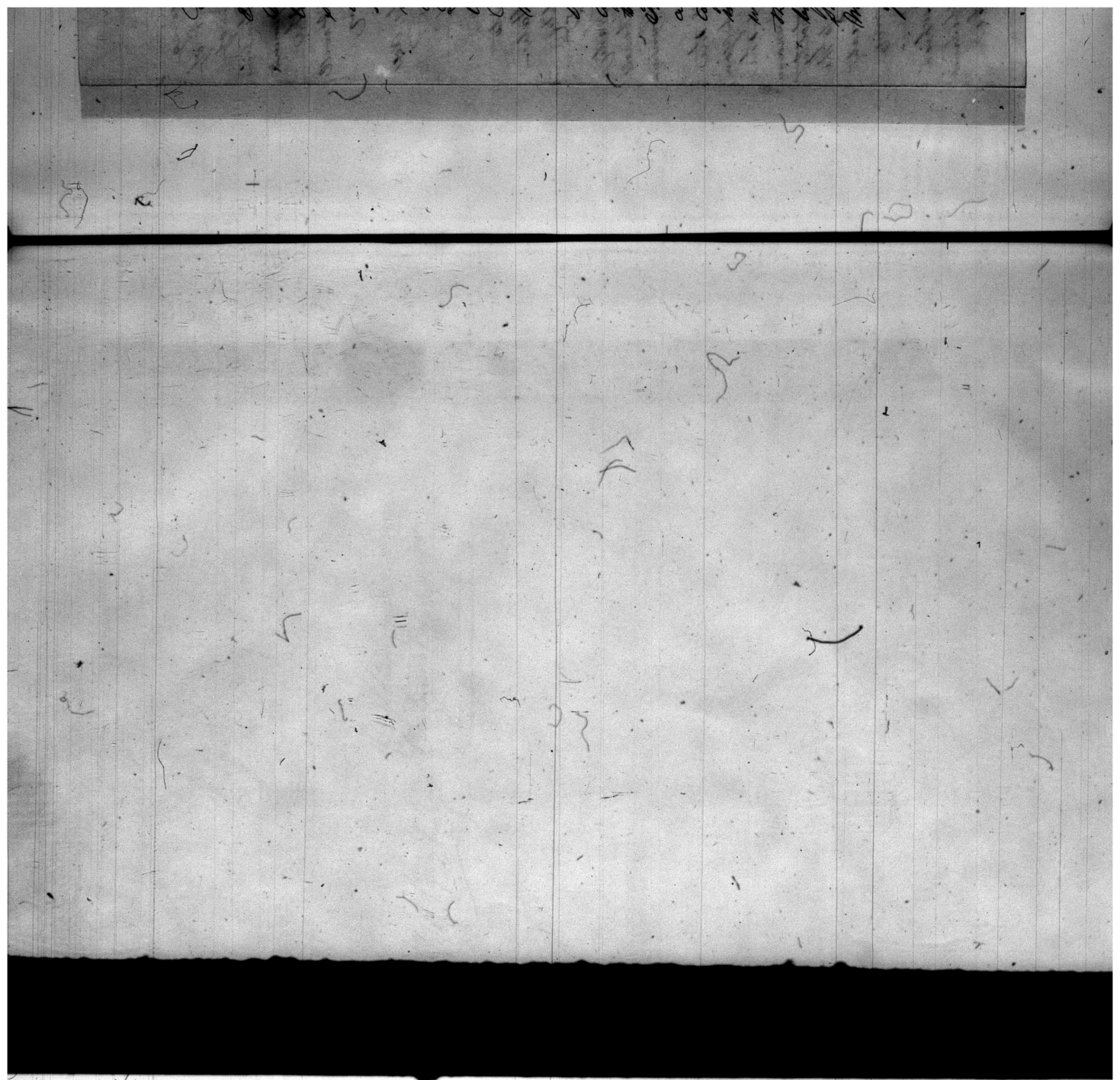
The Government of the United States does not acknowledge a right in any other nation to visit and detain the vessels of American Citizens engaged in Commerce, whenever a foreign Cruiser shall venture to board a vessel under the flag of the United States, she will do it upon her own responsibility for all consequences.

If the vessel so boarded shall prove to be American, the injured party will be left to seek redress either in the Tribunals of England, or by an appeal to his own Country, as the nature of the case may require.

I have carefully considered the points in the several communications which you have sent me in relation to the seizure of the "Louisa Boatman" and I must unqualifiedly pronounce the seizure and detention of that vessel wholly unauthorized by the circumstances contrary to the letter and spirit of the 8th Article of the Treaty of Washington, and as such it becomes my duty to make a full report of the case, accompanied with the communications which you have forwarded, together with the affidavit of the master of the "Louisa Boatman" to the Government of the United States.

I was gratified to hear you, as Senior Officer of Her Britannic Majesty's Naval Forces on the S.W. Coast of Africa, in my presence promptly disavow to the master of the "Louisa Boatman" the claim pursued towards that vessel by the commander of H.M. Brigantine "Dolphin", which was perfectly satisfactory to the master of the "Louisa Boatman" as far as you were concerned and which fully corresponded with the liberal spirit in which has characterized your course during our co-operation of several months for the purpose of suppressing the Slave Trade.

I have the honor to be
Sir Very Respectfully
Your Obd't Servt
Arthur H. Foote
Lt Comdg



U.S. Brig Perry
Off Ambriz Sep. 13. 1850

Sir

Your letters of the 9th and 10th Instant enclosing a letter from Lieut Comdg. Henry Temple, Comdg H.M. Brigantine "Dolphin" and Lieut Richard Dawkins of H.M. Steam Sloop "Rattler" in relation to the Chasing boarding and detention of the American Brigantine "Louisa Beaton", on the 7th and 8th instant by Her Majesty's Brigantine "Dolphin" - Also in relation to the present mate of the "Louisa Beaton" - having been master of the "Lucy Ann" when Captured by H.M. Steam Sloop "Rattler" with 516 Slaves on board, have been received,

I have in person visited the "Louisa Beaton". Conferred with her master, taken his affidavit - Examined her papers, and found her to be in all respects a legal American Trader? The sea letter of which you speak as being usually given by Consular Officers after the transfer of Masters is only required when the Vessel changes owners, And not when Circumstances require, as in this case the appointment of a new Master. The paper given by the Consul Authorizing the appointment, and stating the reasons for appointing the present Master is in form, as are all the papers -

H.M. Captain
George F. Hastings
Comdg the Southern Division
of Her Britannic Majesty's Forces
Coast of Africa

742

H.M. Brig Perry
Off Ambriz Sept. 13. 1850

Sir

Your letters of the 9th and 11th Instant enclosing a letter from Lieut Comdr. Henry Temple, Comdg H.M. Brigantine "Dolphin" and Lieut Richard Dawkins of H.M. Steam Sloop Rattler in relation to the Chasing boarding and detention of the American Brigantine "Louisa Beaton", on the 7th and 8th instant by Her Majesty's Brigantine "Dolphin" - Also in relation to the present mate of the "Louisa Beaton" - having been Master of the "Lucy Ann" when Captured by H.M. Steam Sloop "Rattler" with 560 Slaves on board, have been received.

I have in person visited the "Louisa Beaton". Conferred with her Master, taken his Affidavit - Examined her papers, and found her to be in all respects a legal American Trader. The Sea letter of which you speak as being usually given by Consular Officers after the transfer of Masters is only required when the Vessel changes owners, And not when Circumstances requires, as in this case the appointment of a new Master. The paper given by the Consul Authorizing the appointment, and stating the reasons for appointing the present Master is in form, as are all the papers -

H.M. Captain
George F. Hastings
Comdg the Southern Division
742 of Her Britannic Majesty's Forces
Coast of Africa

of the Vessel.

I must respectfully decline being a party concerned in any arrangement of a pecuniary nature, for the satisfaction of the Master of the "Louisa Beaton" for the detention and seizure of his Vessel. If such arrangements however be made between the Master of the "Louisa Beaton", and the British Officers, it will be my duty to give the information to my Government.

The Government of the United States, does not acknowledge a right in any other Nation to visit and detain the Vessels of American Citizens engaged in Commerce, whenever a foreign Cruiser shall venture to board a Vessel under the Flag of the United States she will do it upon her own responsibility for all consequences, If the Vessel so boarded shall prove to be American, the insured party will be left to seek redress either in the tribunals of England, or by an appeal to his own Country as the nature of the case may require.

I have carefully considered all the points in the several Communications which you have sent me in relation to the seizure of the "Louisa Beaton" and I must unqualifiedly pronounce the seizure and detention of that Vessel, wholly unauthorized by the circumstances, Contrary to the letter and Spirit of the 8th Article of the Treaty of Washington, and as such it becomes my duty to make a full report of the case. Accompanied with the Communications which you have forwarded, together with the affidavit of the Master of the "Louisa Beaton" to the Government of the United States,

I was gratified to hear you as Senior Officer of Her Majesty's Forces on the S.W. Coast of Africa, in my presence wholly disavow to the Master of the "Louisa Beaton" the course pursued towards this Vessel by the Commander of Her Majesty's Brigantine "Dolphin" which was perfectly satisfactory to the Master of the "Louisa Beaton", so far as you were concerned, and which fully corresponds with the liberal Spirit which has characterized your course during our co-operation of several months for the purpose of suppressing the Slave trade.

I have the honor to be
Sir Very Respt.
Your obt Servt
A.D. Howe
Lt Comdr

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Majesty's Forces on the S.W. Coast
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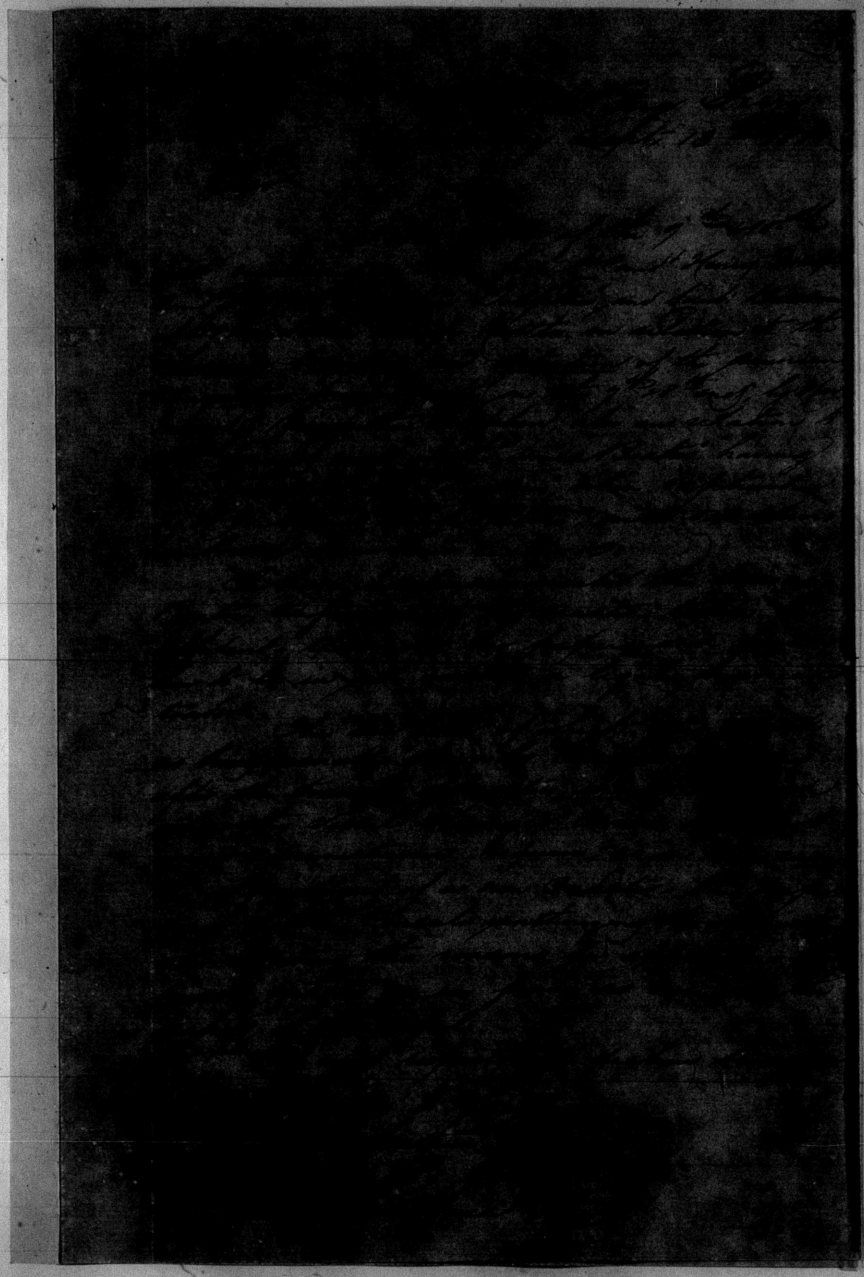

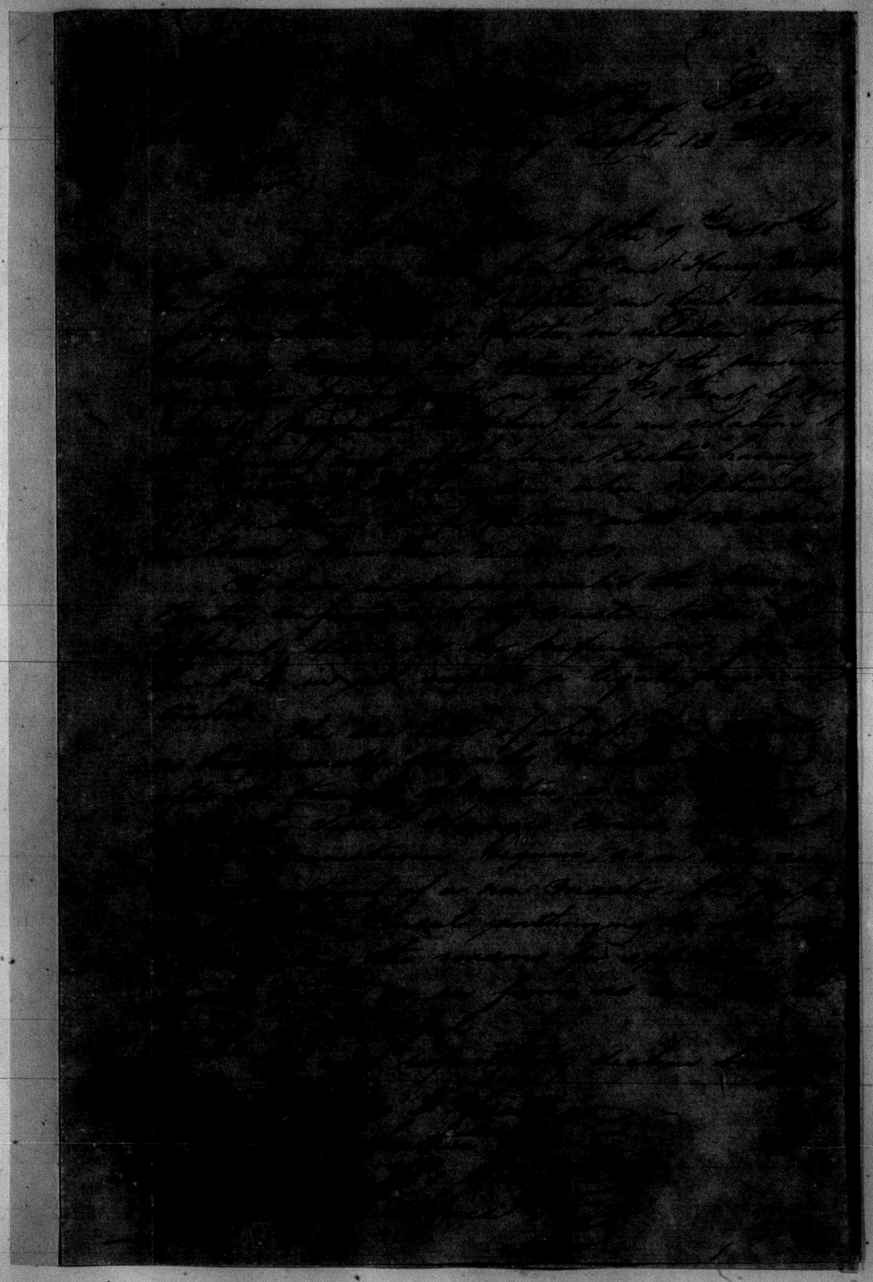

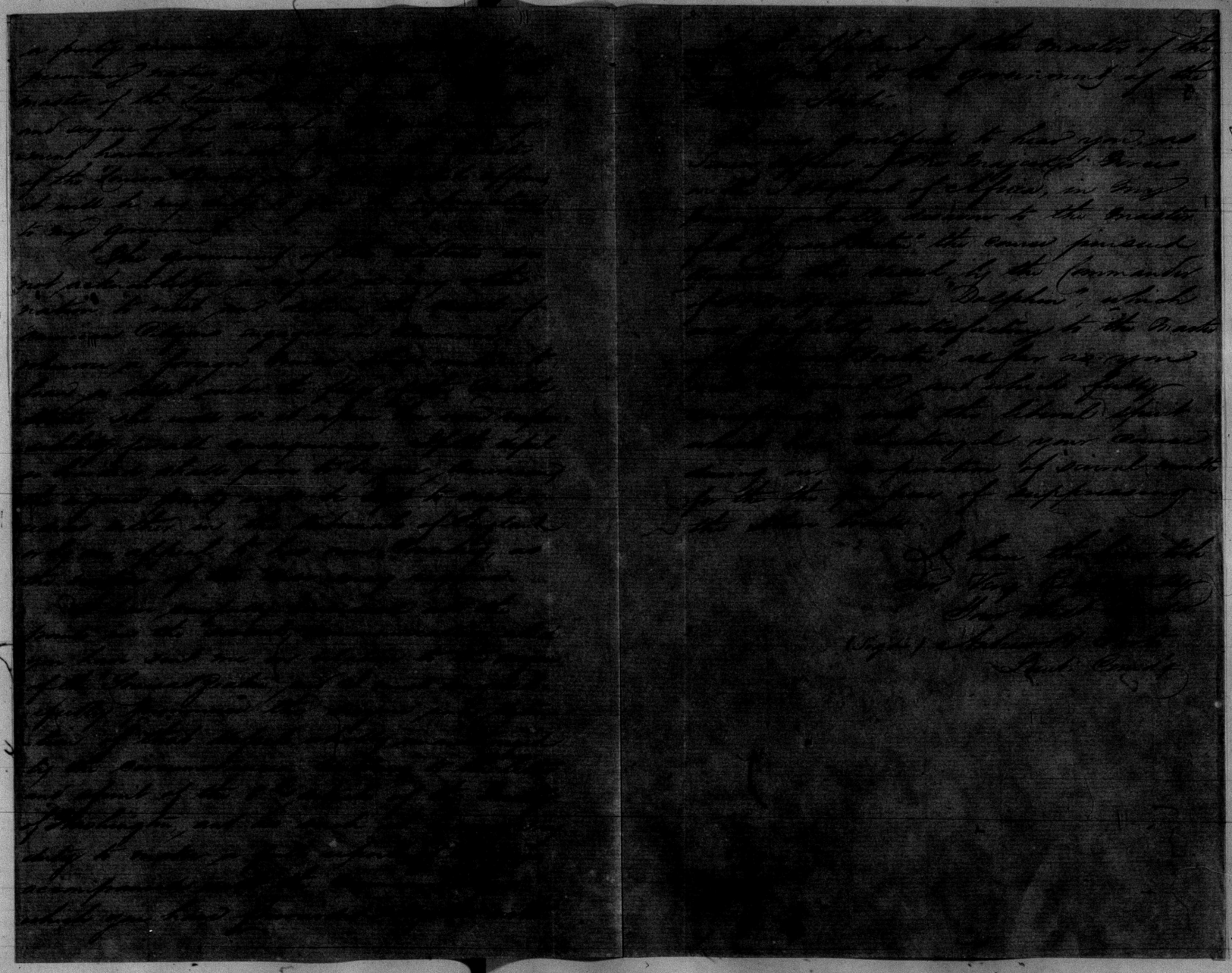

US Brig Perry
Off Ambriz Sept 14. 1850

Sir

Enclosed an affidavit with other papers and letters in relation to the Seizure of the American Brigantine Chatsworth on the 11th Inst, by this Vessel

This has been an Exceeding Compli-cated Case a Slaver with two sets of papers passing alternately under different Nationality. Avoiding detection from papers being so much in form and trading with an assorted Cargo

The Circumstances under which the Chatsworth was first Seized, and afterwards released while you were at Loando — are unnecessary to be recapitulated,

I have since twice boarded and searched the "Chatsworth" in person, and on leaving for a Short Cruise off Ambrizette left a boat here to Watch her Movements, on the 10th inst, I had in addition to my own Suspicions possession of information which rendered it clear to my mind that the Chatsworth had been a Slaver and her intentions here, at the most notorious Slave Station on the Coast, Were to Ship a Cargo of Slaves,

Finding that by obtaining the Evidence of Mr Hamilton, the Chief Mate of the "Louisa Beaton", who was formerly master of the "Lucy Ann" When she had Slaves —

Commd Francis H. Gregory
Comdg US Naval Forces
Coast of Africa

U.S. Brig Perry
Off Ambriz Sept 14. 1850

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Comm. Francis H. Gregory
Comdg U.S. Naval Forces
Coast of Africa

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by obtaining the Evidence
Chief Mate of the "Louisa
merly Master of the "Lucy
d. Slaves -

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Forces
Africa

On board, but who with the Knowledge of the fact was put on board the "Louisa Beaton" by Gov Kent, the Consul at Rio. I could through him obtain an affidavit from the present Captain of the "Chatsworth" a young Man who has not been Engaged directly in the Slave trade but was to have been Sent out of the Vessel at the option of the Italian Supercargo - I promised them a release to the Extent of my Authority in Case they would give me their Affidavits in the Case of the Chatsworth, which has been done and led to further developments until the Guilt of the Vessel is placed beyond all Question, as will be seen by the accompanying papers.

The Italian Supercargo having landed his Cargo which was much Exposed, and his business in a State requiring his presence, I permitted him to go on Shore with the assurance that he would return when I made Signal for him - he Accordingly came within hailing distance of the "Chatsworth", but finding that I had such Strong proof against him and his Vessel. He Acknowledged to Captain Savage of the "Louisa Beaton" Who had materially assisted us in this matter - that he had brought over Brazilian papers, and Would not go on board, my intention however is to obtain from him a paper relinquishing all intention to defend the case in a Court of law

The Crew of this Vessel being all foreigners - not wishing to go to the U States And being able to send but two men as a prize Crew, besides your Authority to Land a Foreign Crew in Case of Capture as in -

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On board, but with the knowledge of the Capt was put on board the "Louisa Eaton" by Gov Mont, the Consul at Rio de Janeiro to him obtain an affidavit from the present Captain of the "Chatsworth" a young man who has not been engaged directly in the Slave trade but was to have been Captain of the Vessel at the Option of the Italian Supercargo. I promised them a release to the extent of my Authority in case they would give me their Affidavits in the case of the Chatsworth, which has been done and as to further developments touching the Quiet of the Vessel is placed beyond all Question, as will be seen by the accompanying Papers.

The Italian Supercargo having landed his Cargo which was much Injured, and his business in a State requiring his presence, I dismissed him to go on shore with the assurance that he would return when I made Signal for him. He Accordingly came within hailing distance of the "Chatsworth" but finding that I had such strong proof against him and his Vessel. He Acknowledged to Captain Savage of the "Louisa Eaton" Who had materially assisted us in this matter that he had brought Con Brazilian papers, and would not go on board, my intention however is to obtain from him a Paper relinquishing all intention to defend the case in a Court of Law.

The Crew of this Vessel being all Foreigners not wishing to go to the U States And being able to send but two men as a prize Crew, besides Your Authority to send a Foreign Crew in case of Capture as we need were twenty two men short, rendered it necessary to put the men on shore, I gave them their Option however Whether to go here or at Loando, And preferring this place most of them were landed Yesterday with the understanding that they might go to the U States in this Vessel if they pleased it.

I have directed Capt Masters Sheppion With Mate Allen, And a prize Crew of ten men to proceed with the Brigantine "Chatsworth" direct to Baltimore for which port she this day takes her departure.

I am Sir Very Respectfully
Your Ob Servt

P.S. I have in Vain endeavored to induce Mr Serralongo the late Supercargo of the Chatsworth to come off he states to Captain Savage of the Louisa Eaton that Capt Perkins would make him a prisoner, besides it was of no use to attempt to defend the Chatsworth.

It is said at Ambriz Where there are four thousand Slaves ready for Shipment that the Captain of the Chatsworth will give a Severe and unexpected blow to the Slave trade as far as the American flag is used for that purpose. P.M.S.

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unexpected blow to the Slave trade
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[1 c 1850, Sept. 14]

25

U.S. Brig Perry
Off Amboy Sept 12 1850

Sir

You will report yourself to Acting Master Shepherd for duty on board the prize Brigantine Chatam & send an your arrival in the U States report yourself to the Navy Dept of the Navy

Respectfully
Your Obt Servt
[Signed] Andrew N Porter
Lt Comdg

Midn O P Allen
All Brig Perry

U.S. Brig Perry
Off Amboy Sept 14th 1850

Sir

I have the honor to enclose copies of letters and papers in relation to the detention and seizure of the Louisa Boats.

I have the honor to be
Sir Very Respectfully
Your Obt Servt
[Signed] Andrew N Porter
Lt Comdg

Hon Wm Ballard Preston
Secretary of the Navy
Washington
DC

74

[C 1850, Sept. 14]

26

U.S. Brig Perry
Off Ambrij Sept. 11th 1850

Sir

I have the honor to enclose copies of affidavits and papers in relation to the American Brigantine Chatsworth engaged in the Slave trade and seized by this vessel at Ambrij on the 11th inst.

I have the honor to be
Sir Very Respectfully
Your Obt Servt
(Signed) Andrew H. Foote
Lt Comdg

Hon Wm Ballard Preston
Secretary of the Navy
Washington
D.C.

U.S. Brig Perry
Off Ambrij Sept. 14th 1850

Sir

Wm James Norton was discharged this day from the Louisa Boaton with my consent and shipped on board of the U.S. Brig Perry and was then transferred to the prize American Brigantine Chatsworth bound to Baltimore

(Signed) Andrew H. Foote
Lt Comdg

U.S. Brig Perry
Off Ambrij Sept. 11th 1850

Sir

As Captain Savage master of the Louisa Boaton has expressed a wish to have you as his second officer, as you have given your affidavit in case of the Brigantine Chatsworth which has been a slaver on a former voyage and came out with Brazilian papers prepared to engage in the Slave trade after your leaving her. I accede to the request of Captain Savage and permit you to ship as second officer of the Louisa Boaton.

Very Respectfully
Yours &c
(Signed) Andrew H. Foote
Lt Comdg

Mr Vinson Pursant

749

C. 1850, Sept. 14

25

U.S. Brig Perry
off Kambay Sept 7th 1850

Sir

As Captain Savage master of the Louisa Beaton has expressed a wish to have upon as his second officer, as you have given your assistant in case of the Brigantine Chatsworth which has been a slaver on a former voyage and came over with Brazilian papers prepared to engage in the slave trade after your leaving her, I accede to the request of Captain Savage, and permit you to ship as second officer of the Louisa Beaton.

I am Respectfully
Yours &c
(Signed) Andrew H. Foote
Lt Comdg

Mr Vinson Purbank

749

27

L.D. No. 5

U.S. Brig
off Kambay Sept

Sir

Your intention was to have
you out of the Louisa Beaton for the
of sending you to the United State
as the late master of the Lucy and
shipped a cargo of slaves from the
which vessel was captured by the
Rattler.

Captain Savage master of the L
a Gentleman with[illegible] appeared to
State informed me that your com
by our Consul at Rio with his know
that you had been Master of the Lu
that both himself and Consul belie
you never will again be disposed
in that trade, and more especially
have given me an assistant in ca
the Slave Brigantine Chatsworth,
been induced to permit you to rem
first officer of the Brigantine Lou
and as far as my authority of Co
of a U.S. Vessel acting as Consu
extends, I acquit you of any cons
which may result from your
been engaged in the Slave trade.

Respectfully
(Signed) Andrew H.
Lt C

Mr Charles Hamilton
Louisa Beaton

748

[1850, Sept. 14]

11

L.D. No. 5.

US Brig Perry
Off Cambay Sept 14th 1850

Sir

Duty in Station was to have taken you out of the Louisa Beaton for the purpose of sending you to the United States for trial as the late Master of the Lucy and which shipped a cargo of Slaves from this coast which Vessel was captured by the US Steamer Rattler.

Captain Savage Master of the Louisa Beaton a Gentleman wholly opposed to the Slave trade informs me that you were shipped by our Consul at Rio with his knowledge that you had been Master of the Lucy and that both himself and Consul believe that you never will again be disposed to engage in that trade, and more especially as you have given true an assistant in case of the Slave Brigantine Chatsworth, I have been induced to permit you to remain as first officer of the Brigantine Louisa Beaton and as far as my authority of Commander of a US Vessel acting as Consul &c extends, I acquit you of any consequences which may result from your having been engaged in the Slave trade.

Respectfully &c
(signed) Andrew H Foote
Lt Comdg

Mr Charles Hamilton
Louisa Beaton

748

[1850, Sept. 14]

U.S. Brig Perry
Off Ambriz Sept 14th 1850

Sir

Enclosed are affadavits with other papers and letters in relation to the seizure of the American Brigantine Chatsworth on the 11th inst by this vessel.

This has been an exceedingly complicated case a Slaver with two sets of papers passing alternately under different nationality, eluding detection from papers being as much in favor and trading with an assorted cargo.

The Circumstances under which the Chatsworth was first seized and afterwards released while you were at Loanda are unnecessary to be recapitulated.

I have since twice boarded and searched the "Chatsworth" in person, and on hearing for a short cruise off Ambrizette left a boat here to watch her movements on the 10th inst. I had in addition to my own suspicions, possession of information which rendered it clear to my mind that the Chatsworth had been a Slaver, and her intentions here, at the most notorious Slave station on the Coast, were to ship a cargo of Slaves.

Finding that by obtaining the evidence of Mr Hamilton the Chief Mate of the "Louisa Frates," who was formally Master of the "Lucy Ann," when she had Slaves on board, but who with the knowledge of the fact was put on board the "Louisa Frates" by Mr Frost, the Consul at Cat. I could through

Comm[d]r Francis H Gregory
Comm[d]g US Naval Forces
East of Africa

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U.S. Brig Perry
Off Ambriz Sept 14th 1850

Sir

Enclosed are affidavits with other papers and letters in relation to the seizure of the American Brigantine Chatsworth on the 11th inst by this vessel.

This has been an exceedingly complicated case & Ships with this sort of papers passing ultimately under different nationality, eluding detection from papers being so much in form and trading with an assorted cargo.

The circumstances under which the Chatsworth was first seized and afterwards released while you were at Loanda are unnecessary to be recapitulated.

I have since twice boarded and searched the "Chatsworth" in person, and on leaving for a short cruise off Ambriz left a boat here to watch her movements, on the 10th inst I had in addition to my own suspicions possession of information which rendered it clear to my mind that the Chatsworth had been a slaver, and her intentions here, at the most notorious slave station on the coast, were to ship a cargo of slaves.

Finding that by obtaining the evidence of Mr Hamilton the Chief mate of the "Louisa Bates", who was formally master of the "Lucy Ann", when she had slaves on board, but who with the knowledge of the fact was put on board the "Louisa Bates" by Consent, the Consul at Kit. I could through

Comm[d]r Francis H. Gregory
Comd[g] US Naval Forces
750 East of Africa

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U.S. Brig Perry
f Ambriz Septr 14th 1850

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through him obtain an affidavit from the present Captain of the Chatsworth, a young man who has not been engaged directly in the Slave trade, but was to have been sent out of the vessel at the option of the Italian Supercargo. I promised them a release to the extent of my authority, in case they would give me their affidavits in the case of the Chatsworth, which has been done, and led to further developments until the guilt of the vessel is placed beyond all question, as will be seen by the accompanying papers.

The Italian Supercargo having landed his cargo, which was much exposed, and his business in a state requiring his presence, I permitted to go on shore with the assurance that he would return when I made signal for him, he accordingly came within hail of the "Chatsworth," but finding that I had such strong proof against him and his vessel he acknowledged to Captain Savage of the "Louisa Beaton", who has materially assisted us in the matter, that he had brought over Brazilian papers and would not go on board, my intention however is to obtain from him a paper relinquishing all intentions to defend the case in a Court of law.

The Crew of this vessel being all foreigners, not wishing to go to the United States, and not being able to send but ten men as a prize crew, besides your authority to land a foreign Crew in case of capture, as we were then twenty two men short, rendered it necessary to put the men on Shore, I gave them their option however whether to go here or at Loanda and preferring this place most of them were landed yesterday, with the understanding

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understanding that they might go to the United States in the vessel if they wished it.

I have directed Acting Master Shepherd with Midp Allen and a prize crew of ten men to proceed with the Brigantine "Chatsworth" to Baltimore, for which port she this day takes her departure.

I am Sir Very Respectfully
Your Obd Sert
(signed) Andrew H. Foote
Comdg

P.S. I have in vain endeavored to induce Mr Serralunga the late Supercargo of the Chatsworth to come off, he states to Captain Savage of the "Louisa Beatin", that Captain Foote would make him a prisoner, besides it was of no use to attempt to defend the "Chatsworth".

It is said at Ambriz where there are four thousand Slaves ready for shipment that the Captain of the "Chatsworth" will give a severe and unexpected blow to the Slave trade, as far as the American flag is used for that purpose.

A.H.F.

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[signed] Andrew H Foote
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A. H. F.

Ad Brig Perry
off Antwp Septr 14th 1850

Sir

You will assume the command of the American ship & Brigantine Chatsworth and proceed with her to the port of Baltimore and there report yourself to the Commandant of the Naval Station, and to the Hon Secy of the Navy for instructions.

You will be prepared on your arrival to deliver up the vessel with a list of the articles on board to the Marshall, the papers &c to the Judge of the District Court, and be ready to act in the case of the Chatsworth as your orders and circumstances may require.

It is advisable that you should stand as far to the West at least as the Long of St Helena and when in the Calm latitudes to make a direct north course, shaping your course for your destined port in a higher latitude when the winds are more reliable.

With great confidence in your abilities and good judgment, care and attention to your duties, and with the hope that you may soon rejoin the Perry, with my best wishes that you may have a safe and pleasant passage.

I am Respectfully
Your Obt Servt
(signed) Andrew A Fink
Lt Comdg

Acting Masters
Edmund Shepherd
Ad Brig Perry

U.S. Brig Perry
Off Antwp Septr 14th 1850

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You will assume the command of the American pilot Brigantine Chatsworth and proceed with her to the port of Baltimore and there report yourself to the Commandant of the Naval Station, and to the Hon. Secy of the Navy for instructions.

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Your Obt Servt
(Signed) Andrew H Foote
Lt Comdg

Acting Master
Edmund Shepherd
U.S. Brig Perry

U.S. Br
Off Antwp Se

Midshipman Allin has been
to this vessel since May 1st 18
charge of a day watch most
his abilities are good, his habi
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make a very good officer

(Signed) Andrew

U.S. Brig Perry
Off Ambriz Sept 14th 1850

Midshipman Allin has been attached to this Vessel since May 1st. He has had charge of a duty Watch most of the time his abilities are good, his habits and temperate and with ordinary application may make a very good officer

(signed) Andrew H Foote
Lt Comdg

U.S. No 1

U.S. Brig Perry
Off Ambriz Sept 16th 1850

Sir

I enclose a correspondence between the Hon Captain Geo D Hastings Senior Officer of H.B.M. Forces on the South West Coast of Africa and myself in relation to the detention and seizure of the American Brigantine "Louisa Eaton" by H.B.M. Brigantine "Dolphin" also letters from Lieut Comd Dimpke, and Lt Dawkins R.N. in relation to the same subject and to the late Captain of the "Lucy Ann" a slave vessel, now Chief mate of the "Louisa Eaton", together with the affidavit of Captain Andrew H Savage the master of the "Louisa Eaton"

You will perceive by the papers herewith forwarded that I have disposed of the case of Mr Hamilton the Chief mate of the "Louisa Eaton" by obtaining from him an affidavit in case of the Slave Brigantine "Chatsworth" and deeming his influence in inducing the Captain of the "Chatsworth" to give an affidavit in case of his own vessel, this with his having been Chief mate with Captain Savage of the "Louisa Eaton" who has rendered me good service in detecting the real character of the "Chatsworth" together with Gen Kent, the Consul having shipped him in Rio de Janeiro for the "Louisa Eaton" with the knowledge of his having been in the "Lucy Ann" induced me to permit Mr Hamilton the Chief Officer of the Louisa Eaton to retain his place.

I found Acting Master Shepherd in charge

Comm Francis H Gregory
Comdg US Naval Forces
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L. B. No 1

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Off Ambriz Septr 16th 1850

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You will perceive by the papers herewith forwarded that I have disposed of the case of Mr Hamilton the Chief mate of the "Louisa Beaton" by obtaining from him an affidavit in case of the Slave Brigantine "Chatsworth", and securing his influence in inducing the Captain of the "Chatsworth" to give an affidavit in case of his own vessel, this with his having been Chief mate with Captain Savage of the "Louisa Beaton" who has rendered me good service in detecting the real character of the "Chatsworth" together with Gov Kent, the Consul having shipped him in Rio de Janeiro for the "Louisa Beaton" with the knowledge of his having been in the "Lucy Ann" induced me to permit Mr Hamilton the Chief officer of the Louisa Beaton to retain his place.

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Commr Francis H Gregory
Comdg US Naval Forces
Coast of Africa

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(Signed)

charge of the United States on my return from
Antigua, when I advised the master to resume
the charge of his vessel, as I could see that the
grounds of his complaint were perfectly unin-
vestigated and also accompany him to Lucia
desirous in promoting the interest of himself
and owners, as their Consignee had lately become
bankrupt

Lieut Comdt Semple of H.M. Brig United Dolphin
accompanied by the Hon. Captain Walton
came on board this vessel and in the most
unqualified manner expressed his deep regret
at having interfered with the United States
which he stated arose from a total
misapprehension of his character, having
come up with and boarded her in the night

I am Sir
Your Respectfully
Your Obt Servt
(Signed) Anthony St. Croke
Lieut Comdt

1

(Copy) "B"

Duplicate

United States Brig Perry off Ambriz South West Coast of Africa, September the Eleventh, One thousand Eight hundred and fifty. Personally appeared before me Andrew A Savage, aged thirty seven years a Citizen of the United States, belonging to the town of Norwich in the State of Connecticut and now master of the American Brigantine "Louisa Beatin" who being duly sworn on the Holy Bible deposed and testified as follows

While in Rio de Janeiro in the month of June, Eighteen Hundred and fifty, I had an interview with Captain L D Johnson a Citizen of the United States, when said L D Johnson informed me that he was master of the American Brigantine Chatsworth, belonging to the City of Baltimore, that he had been up to the Coast of Africa a short time before with his vessel, and had brought over Some Five hundred or Six hundred Slaves, do not remember the precise number, that he had landed them in the neighborhood to the Southward of Rio de Janeiro, and afterwards washed his vessel out and proceeded to Pernambuco and entered his vessel there. Said Johnson took drafts on Magruder & Wright in Rio de Janeiro, with which he bought Coffee, and shipped it for Baltimore.

Said Johnson also stated that at Pernambuco he gave charge of the Vessel to his former mate to go another Slaving voyage, said Captain Johnson further informed me that he held the Vessel in his name but did not own

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her, but she was aimed by another man who was supercargo. I asked him if he did not think that the Vessel would be taken the next time she went out. he said he did not know. he did not care, that would be their luck &c.

(signed) A.S. Savage

Sworn and subscribed before me, this Eleventh day of September Eighteen hundred and fifty, as Witness my hand and official Seal

(signed) Arthur St Clair Duke
Actg Brig Surg

(Duplicate) C 18

United States Brig Perry off Kambij South West Coast of Africa September Twelfth, one Thousand Eight hundred and fifty, Personally appeared before me Charles Hamilton aged Twenty three years belonging to the City of Boston in the State of Massachusetts and now Chief Mate of the American Brigantine "Louisa Beatty" last from Rio de Janeiro and bound to St Paul de Loando Who being duly Sworn on the Holy Bible deposed and testified as follows.

When at Rio de Janeiro in the month of June, Eighteen hundred and fifty I became acquainted with A D Johnson Master of the American Brigantine Chatsworth of Baltimore One night he enquired of different persons present, after several persons on the Coast of Africa, the said Johnson asked me if I was master of the Lucy Ann, and then he asked me if I did not recollect him. I told him I did not. He said he belonged to that Brigantine which lay ahead of us and which the vessels were at Kambij in January Eighteen hundred and fifty which was the "Chatsworth". I told him I recollected that Brig. He said he got underway on the ninth of January, Eighteen hundred and fifty and went down to Loando and after that he came back and filled away until he got a chance and then shipped Slaves, about the middle of February Eighteen hundred and fifty, just to the Southward between Kambij and Loando. The mate, the present master of the Chatsworth was left here at Kambij sick, and went over to Brazil sick in the General Vega. The said Johnson said

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that he landed his Slaves to the Southward of Rio de Janeiro - at the time of going over Johnson said that he was mate and the Supercargo was Captain, as the vessel went over under Portuguese Colors.

After landing his Slaves to the Southward of Rio de Janeiro, Johnson went with the vessel to Pernambuco under the American flag, during which time he again appeared as master - The Supercargo, Johnson said, paid him Five thousand Mil-reis or Twenty five hundred dollars for saving the flag. They fined him at Pernambuco on suspicion of coming from the Coast of Africa with Slaves. Said Johnson told the same story to Captain Savage now master of the "Louisa Beaton" here, who then was master of the American Schooner Atlantic and also told many others the same story.

Witness: Jas H Watmough Chas H Hamilton
Purser USN
Andrew A Henderson
P. Asst Surg USN

Sworn and Subscribed before me, this Twelfth day of September Eighteen Hundred and fifty as Witness my hand and official Seal.

Andrew H. Foote
Lieut Comdg

United States Brig Perry off Ambriz South West Coast of Africa September the twelfth one thousand Eight hundred and fifty

Personally appeared before me George Stevens a Portuguese, who being duly sworn on the Holy Bible, deposed and testified as follows.

I George Stevens a Portuguese, was made of the ~~ship~~ Chatsworth, I shipped at Pernambuco When the Supercargo told me and told me to tell the men before they shipped that he was going "to take in" on the Coast of Africa, and to tell them, when he did "take in" he would make a new bargain with them for their wages, I shipped for thirty Dollars per month at Pernambuco, and the hands shipped for fifteen Dollars per month.

Captain Burbank the Master of the Chatsworth told me that he would not go back in the Vessel if she would "take in" - and her last Voyage, he said he was sick on shore and did not go back in her

The all on board were not Americans except Capt Burbank

Geo his + Stevens mark

Witness Jas. H. Watmough
Purser USN

Anthony D. Henderson
Lt. Asst. Surg. USN

Sworn and subscribed before me this twelfth day of September Eighteen Hundred and fifty as Witness my hand and official seal

Andrew H. Foote
Lieut. Comdg.

Duplicate E

United States Brig Perry off Ambriz South West Coast of Africa September Twelfth one Thousand Eight hundred and fifty Personally appeared before me Winsor Burbank aged Twenty Seven years belonging to the town of Lowell State of Massachusetts who being duly Sworn on the Holy Bible deposeth and testifies as follows.

I am Master of the American Brigantine Chatsworth, which sailed for her voyage to the Coast of Africa from Pernambuco in Brazil on the Twenty Seventh day of June, Eighteen hundred and fifty with an assorted cargo of Rum, Sugar, Jerked Beef, Farinha, Rice, Wine, Jam Hoops, Lumber, Sweet meats, &c. I took charge of the Chatsworth on the Thirty first day of May last, I received my letter of orders from Captain I D Johnson the late master, who said he was the owner stating that Mr Serralunga the Supercargo had chartered the Vessel, and that I would be governed by his directions, and also look to him for my wages of One hundred dollars per month. The crew shipped on the Twenty fifth of June Eighteen hundred and fifty at fifteen Dollars per month. I had a paper from said I D Johnson stating that he owed the Supercargo Seven Thousand five hundred dollars and that in consequence the Supercargo had authority to sell the Vessel any time he thought proper besides the present Supercargo Mr Serralunga

757

has Brazilian papers, and flag in his possession for the Brig Chatsworth in case he wants to sell her to change her flag from American to Brazilian I knew that as the Supercargo had Brazilian papers and could sell the vessel, as he was authorized to do it, I could take my own American papers and flag and go on shore which I meant to do in case she was intended for the Slave trade. Within a few days past while the man of War Perry had been lying here, the Supercargo has taken papers on shore which I believe to have been the Brazilian papers. From what I have seen and know I do believe that the Chatsworth is intended for a Slaver, and in consequence I give this affidavit, but I do believe that J. D. Johnson is not at all concerned in the vessel – Mr Senalunga the present Supercargo was also Supercargo on the last voyage.

Witness Jas. H Wentworth
Purser USN

Vinson Burbank

Matt: F. Jones
Actg. Lieut.

Sworn and Subscribed to before me this Twelfth day of September One Thousand Eight hundred and fifty as Witness my hand and Official Seal.

Andrew H. Foote
Lieut. Comdg.

(Triplicate)

E

United States Brig Perry, off Ambriz South West Coast of Africa September Fourteenth Eighteen hundred and fifty. Personally appeared before me Andrew H Savage aged thirty seven years, belonging to the town of Woolwich State of ~~Massachusetts~~ Maine who being duly Sworn on the Holy Bible deposed and testified as follows.

That J Servalunga late Supercargo of the Brigantine Chatsworth told me this day while in my boat, as I was trying to induce him to come on board the Brig Perry, that he did bring over Brazilian papers for the Chatsworth, and that she was not American property, and that he would not go on board the Chatsworth as he had promised to do, for Captain Foote would make him a prisoner and send him to the United States for trial, and that it was no use for him to go as the Chatsworth would certainly be condemned; and further when ashore this afternoon Mr Magoun an American Merchant here in Brookhouse & Companys employ of Salem Massachusetts, did point out and inform me that a Portuguese or Brazilian Merchant here by the name of Ferraz then present owned also a part of the Chatsworth and that the late Supercargo J Servalunga owned but a part of said Vessel.

A H Savage

Witness
J W Hunter, Capts Clerk
A A Henderson. P Asst Surgn USN

Sworn and subscribed to before me this Fourteenth
day of September, Eighteen hundred and fifty
as Witness my hand and Official Seal.

Andrew Mc. Foote
Lieut. Comdg.

H Duplicate 42

G

United States Brig Perry, off Ambriz South West Coast of Africa September Fourteenth Eighteen hundred and fifty. Personally appeared before me Vinson Burbank belonging to the town of Lowell State of Massachusetts who being duly Sworn on the Holy Bible deposed and testified as follows

That the Brigantine Chatsworth is owned severally by F. Senalunga an Italian, the present Supercargo, and Messrs Cavalle and Roche Brazil Merchants in Rio de Janeiro, and a Merchant here in Ambriz (a Portuguese or Brazilian), by the name Ferraz - each of these four persons owning, I believe, one quarter of the Vessel. James D Johnson does not own any part of the Chatsworth

Witness Vinson Burbank

Jas. A. Hutteruff
Purser USN

J. W. Haynter
Capts Clerk

Sworn and Subscribed to before me this Fourteenth day of September, Eighteen hundred and fifty as Witness my hand and Official Seal

Andrew H. Foote
Lieut. Comdg.

45

Copy

U.S. Brig Brigantine Chatsworth
Off Ambriz September 13. 1860

Sir?

Having given my affidavit in case of the Slave Brigantine Chatsworth I hereby withdraw my protest of the 11th inst. against the Seizure of the Chatsworth.

(Sd) Wilson Bentinck

Andrew H. Foote Esqr
Lt. Comdg U.S. Brig Perry
Off Ambriz

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U S Brig Perry
St Paul de Loanda Sept 17th 1850

Sir

I have the honor to enclose copies of letters in relation to the seizure of the American Brigantine Louisa Gratia by Her Majesty's Brigantine Waldshire.

Soon after the American Slave Brigantine Chesterwith had sailed I ascertained that in the hurry and with the press of business in despatching that Vessel, that a complete copy of Captain Hastings letter in relation to the Louisa Gratia had not been forwarded, there were however but a few lines in conclusion of the letter wanted I now transmit an entire copy.

I have reason to believe from information just received from Rio de Janeiro, that the papers of the American Brigantine Volusia captured as a Spanish Vessel by Her Majesty's Steam Sloop Gorgon were in form, which may be made the subject of a correspondence between myself and the British Commander in Chief, and which induces me to strike out the concluding paragraph of the letter addressed to Comm[r] Gage, a copy of which was transmitted to you with the unfinished letter of the Hon Captain Hastings Comm[g] Her Southern Div[n] Her Majesty's Forces.

This letter and the Enclosed papers and counsel which are respectfully requested to be considered as the first copy and a duplicate of which will be transmitted by the earliest opportunity.

I have the honor to be
Very Respectfully Your Obt Servt
[signed] Thomas T Forte
Lt Comdg

Hon W[m] Ballard Preston
Sec[y] of the Navy
Washington DC

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U.S. Brig Perry
At Sea Sept 27th 1850

Sir

Your letter of Aug 1st with its enclosure directed to Capt Smith or the Comdg officer of any U.S. Ship of War, which I will avail myself of the earliest opportunity of forwarding to Comm. Gregory or Capt. Smith, has been received.

The information forwarded will throw much additional light on the case of the "Panama" which has been referred to Comm. Gregory who has been in personal communication with the British Commodore on this coast in relation to that, and several other vessels which doubtful nationality have induced the British Officers to capture them.

The "Valvasia" has also been captured by the British Steamer "Rattler" on the ground that her papers were false, and that she had no claim to American nationality. I asked the Com. of the "Rattler" for his reasons in supposing them to be false, and the disposition which had been made of them &c. which reply with said letter I sent to Commodore Gregory who at that time had arrived on this coast.

Soon after Captain Disney himself arrived & presented me the enclosed letter, which signature being unlike yours generally, threw some doubts of its authenticity on the papers.

The case however has been submitted by the Commodore and the enclosed letter, as I am informed, to our Government.

I shall probably address a letter to the British Commr in relation to the information which your paper contains in the case of the Valvasia insisting that in all cases where the Vessel is seized, and American nationality is questioned, that the Master and papers must be sent with the vessel to the Court for adjudication.

The two Commodores met in the month of

Edward Kent
U.S. Consul
Rio de Janeiro

month of August at Loanda in conference on the cases of captured vessels, and the complaint of legal traders, when the best spirit prevailed and disposition manifested on the part of both to settle the cases themselves, and what could not be done to refer the cases to their respective governments for their action.

The John Adams has captured a small vessel equipped for the slave trade, and this vessel the "Perry" captured the slaver equipped Brig "Martha" of New York on the 6th of June, and on the 11th June she captured the American Brigantine "Chatsworth" of Baltimore, which last named vessel sailed with a cargo for this coast from Pernambuco.

The Chatsworth had good papers apparently, and Cargo corresponded with her manifest. All over all foreigners but the Captain, who had a letter of instructions from J. D. Johnson the nominal owner, to look to the Italian Supercargo for all instructions. The "Chatsworth" I have evidence does not belong to Johnson, she bought her papers. Took off a cargo of slaves last voyage and would no doubt have carried off another cargo this voyage had we not seized her. The slave merchants, I am informed, on this coast are becoming bankrupts, as no cooperation with the English Cruisers is animating to this wicked inhuman traffic.

I sent home all persons (37 in number) captured in the "Martha", but for want of room had to land the "Chatsworth's" crew.

The master of the Louisa Preston will probably give you a correct version of the outrage committed on his vessel by H.B.M. Brig Dolphin. I have addressed a letter to the Comdg officer of the British Squadron in relation to this case, pronouncing the act to be wholly unjustifiable by the circumstances, and in violation of the Treaty of Washington

Washington and that I should make a strong representation of the affair to our Government.

The British Comdg Officer disavowed the act and the Captain of the "Dolphin" expressed his deepest regrets that he had been led to pursue the course he did.

I shall accompany the Larissa Expedition to Luanda and render all the assistance in my power, as we still have to conduct them, not only because she has this claim upon us, but from our obligations to Captain Savage who by his great credit has rendered us essential service in our process against the Chabunda and who I am sure will prove himself in all respects worthy of the trust which you have confided to him.

We cooperate harmoniously with the British Squadron in the suppression of the Slave trade and there appears to be a strong disposition among most of the British officers to avoid interfering with American Vessels or further engaged in legal or illegal trade.

I have the honor to be
Very Respectfully
Your Obt Servt
(Signed) Arthur M Cook
Lt Comdg.

U.S. Brig Perry
Leonda Sept 17th 1850

Sir

In company with Mr Watmough the Bearer of this vessel I went this morning alongside of the American Brigantine Louisa Boston and much to my surprise (especially after the assurance from you when last in this port that no objection would in future be raised to all Naval Officers visiting the vessels of their own nation) the Custom House Officer informed us that we could not go on board, we went on board however, but did not go below as I had no wish to involve the Vessel in my difficulty.

I report the circumstance to you with the remark, that it is the first time that an objection has been raised to my visiting a Merchant vessel of my own nation in a foreign port, and that this objection has been raised after your assurance, when we were last here, that no obstacle should in future be in the way of American Officers visiting American Ships in Leonda.

I have the honor to be Sir
Your Obd Servt
(Signd) Andrew H Foote
Lt Comdg

To The
Hon Collector
of Port de Leonda

U.S. Brig Perry
St Paul de Loanda Sept 15th 1850

Gentlemen

Captain Savage master of the Louisa Pratt will give you the particulars of his affair with the British Consul. I have had a correspondence with the Senior Officer of 26 ships on the subject who acknowledges the disagreeable of the affair to be unauthorized by the circumstances which I claim to have been in violation of the Treaty of Washington.

This correspondence will be transmitted to Washington, where you no doubt will be afforded every facility for taking such steps as the nature of the case requires. It must not be possible for me to furnish you with a copy of the correspondence, therefore for any further information desired I must refer you to the Navy Secretary of the Navy.

I have conferred with Captain Savage on this subject, and he has acted by advice of upon mature deliberation. His course I have no doubt will meet your approval.

I saw the "Louisa Pratt" in this place "where she has entered" and expects her cargo complete in the course of a month. I shall probably have returned from St Helena before her departure for the United States, and will look in here to render any assistance which may be wanting.

I am Respectfully
Your Obt Servt
Andrew H York
Lt Comdg

Messrs Lawrence Brainerd & Co
New London
Conn

U.S. Brig Perry
At Sea Sept 25th 1850

Sir

In making out the prize lists of the Officers and crew of this vessel in case of the Chatsworth the acting masters mates Thurston Burdine and Clark S Gilbert were put down as they stand rated (Boatswain and Gunner) on the ships books. This was done as their appointments as masters mates have not yet been confirmed by the Department.

If the Department should see fit (in consequence of the reduced number of Officers inducing Commanders to authorize the appointments of these acting masters mates) to confirm them, I respectfully submit the question whether they are entitled to claim prize money as masters mates, or as Boatswain mate & Gunner's mate.

In the former I respectfully request that their names may be entered accordingly in the prize lists already transmitted to the Dept in case of the Chatsworth.

I have the honor to be
Sir, Very Respectfully
Your Obt Servt
(Signed) Andrew H York
Lt Comdg

Hon Wm Ballard Preston
Sec of the Navy
Washington

763-a

U.S.S. Perry
At Sea Septr 25th 1850

Sir

I have the honor to transmit duplicate copies of letters and papers in relation to the boarding, detention and seizure of the American Brigantine "Louisa Gratton."

I have the honor to be
Sir Very Respectfully
Your Obt Servt
(Signed) Andrew H Foote
Lt Comdg

Hon Wm Ballard Preston
Secy of the Navy
Washington D.C.

Copy

Custom house

Luanda

Sir

Acknowledging receipt of your official note directed to me under yesterdays date in which you acquaint me that in contradiction of the verbal assertion I had given you some time ago, you had again met with some objection on the part of the Custom house guards when on the said day you intended to visit the American Schooner Eliza Yates, anchored at this port.

Permit me to unravel what I have on a former occasion opposed to you— I gave a due and necessary explanation of the subject, and justify to a certain extent the hesitation of those Officers had evinced permitting the entrance of yourself and the officers of the Vessel under your command on board said Schooner.

I remember well, when for the first time this affair was opposed to me by you on one of your former visits to this port. I have shown you that this Department can give no Right to a Vessel of War to visit any other Merchant Vessel of his nation, when the latter is now at Anchor in this Port, consequently under the protection of the Portuguese Flag and Dominion— but only in Respect to the good connections of friendship, and entelligences which exist between Portugal and the United States, and being sure that those visits made to a Vessel anchored here are never made with the Idea of indifference and disrespect to the authorities of this Province, I will not hesitate to forward and virtually have forwarded the necessary orders that in all cases when American

Copy

Custom house
Lisbon

Sir

Acknowledging receipt of your official note directed to me under yesterdays date, in which you acquaint me that in contradiction of the verbal attention I had given you some time ago, you had again met with some objection on the part of the Custom house guards when on the said day you intended to visit the American Schooner Luiza Prates, anchored at this port.

Permit me to renew what I have on a former occasion opposed to you — I gave a due and necessary explanation of the subject, and justify to a certain extent the hesitation of those officers had evinced permitting the entrance of yourself and the officers of the vessel under your command on board said Schooner.

I remember well, when for the first time this affair was opposed to me by you on one of your former visits to this port. I have shown you that this Department can give no right to a vessel of War to visit any other merchant vessel of his nation, when the latter is once at Anchor in this Port, consequently under the protections of the Portuguese Flag and Dominion — but only in Respect to the good connections of friendships and intelligences which exist between Portugal and the United States, and being said that those visits made to a vessel anchored here are never made with the Idea of indifference and disrespect to the authorities of this Province, I could not hesitate to forward and naturally have forwarded the necessary orders that in all cases where American

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American Vessels of War are at Anchor
Port no obstacle should be thrown
of their officers boarding the Ves
of the same nation which may
this Port, provided that those visi
friendly and not an official

It seems to me you will
convenient of the reasons stated
on former occasion
orders I did no more than to de
good feeling which this affair
with us.

The objection of the Gu
boarding the Luiza Prates was
result of those ignorance of the
which ordered the port in op
only regarding American Vess
the opposition which you en
could not have been great, bea
yourself confess that you bo
the said Vessel.

God preser
Custom house
19 Sept

Arthur N. Park Esqr
Commander of the
American Brig of War Perry

The Secretary
serving as Admi
(Signd) Augusto

American Vessels of War are at anchor in this Port no obstacle should be thrown in the way of their Officers boarding the Merchant Vessels of the same nation which may also be at this Port, provided that these visits bear a friendly and not an Official character.

It seems to me you will be fully convinced of the reasons stated by me and on forwarding on that occasion similar orders I did no more than to respond to the good feeling which this affair merits from both of us.

The objection of the Guards to your boarding the Louisa Beaton was merely the result of their Ignorance of the fresh orders which I ordered to be put in operation only regarding American Vessels of War. The opposition which you encountered could not have been great, because you yourself confess that you really boarded the said Vessel.

God preserve you
Custom house at Loanda
19 Sept. 1850.

Andrew H Foote Esqr
Commander of the
American Brig of War Perry

The Secretary of Customs
serving as Administrator
(signed) Augusto Peixoto

Copy

U S Brig Perry
St Helena October 19th 1851

Sir

I have the honor to inclose a copy of a letter to Commodore Francis H Gregory Comdg the U.S. Naval Forces on the Coast of Africa.

I have the honor to be
Very Respectfully
Your Obt Servt
(Signd) Andrew N Pork
Lieut Comdg

Hon Wm Ballard Preston
Secretary of the Navy
Washington

American Vessels of War are at anchor in this Port no obstacle should be thrown in the way of their officers boarding the merchant Vessels of the same nation which may also be at this Port, provided that those visits have a friendly and not an official character.

It seems to me you will be fully convinced of the reasons stated by me and in forwarding on that occasion similar ones I did no more than to respond to the good feeling which this affair merits from both of us.

The objection of the Guard to your boarding the Luiza Boston was merely the result of their ignorance of the funk orders which ordered the put in operation only regarding American Vessels of War.

The opposition which you encountered could not have been great, I assure you myself confess that you really boarded the said Vessel.

God preserve you
Customs House at Loanda
19 Sept. 1851.

Andrew N Pork Esqr
Commander of the
American Brig of War Perry

The Secretary of Customs
Standing Administration
(Signd) Augusto Ribeiro

Copy

U S Brig Perry
St Helena October 19th 1850

Sir

I have the honor to inclose a copy of a letter addressed to Commodore Francis H Gregory Comdg the US Naval Forces on the Coast of Africa.

I have the honor to be
Very Respectfully
Your Obt Servt
(Signed) Andrew N York
Lieut Comdg

The Hon Wm Ballard Preston
Secretary of the Navy
Washington

765

U S Brig
St Helena Octr

Sir

We arrived at this Island
19th instant after a passage of 21 days
St Paul de Loanda, during which time
a vessel forty hours, which proved to
Portuguese Merchant Brig.

As soon as the crew shall have
liberty on shore, and some information
relative to the condemnation of the Amer
Barque Navarro and Brigantine Victoria
of doubtful nationality in consequence of
destruction of a part of the papers and
them at the time of the capture, I shall
with all despatch to the Coast of Africa
of reaching it by the 5th proximo

From the great number of vessels
at this port, many of whom are Americ
and often with indifferent crews, and
as vessels captured on the Coast of Afric
questionable nationality frequently com
the Vice Admiralty Court for adjudication
with the salubrious climate of the Island,
cruising on the Coast of Africa, it would
a semi annual visit from one of the Africa
or the Brazils, were desirable.

Our reception here by the authoriti
citizens generally has been very kind
and I am happy to add that the Americ
Consul is a gentleman of integrity and
worth and very vigilant in subserving
Commercial interests.

I am Sir Very Respec
Your Obt Servt
Andrew N.
Lieut

Comm Francis H Gregory
Comdg US Naval Forces
Coast of Africa

U.S. Brig Porpoise
St Helena Oct. 17th 1851

Sir

We arrived at this Island on the 10th inst. after a passage of 21 days from St Paul de Loanda, during which time chased a vessel forty hours, which proved to be a Portuguese Merchant Brig.

As soon as the Crew shall have had liberty on shore, and some information obtained relative to the condemnation of the American Barque Navarre and Brigantine Volusia, as of doubtful nationality, in consequence of the destruction of a part of the papers and withholding them at the time of the capture, I shall proceed with all despatch to the Coast of Africa in hopes of reaching it by the 5th proximo.

From the great number of Vessels arriving at this port, many of whom are American and often with dissaffected Crews, and especially as Vessels captured on the Coast of Africa of questionable nationality frequently come before the Vice Admiralty Court for adjudication, together with the salubrious climate of the Island, after cruising on the Coast of Africa, it would seem that a semi annual visit from one of the African Squadron to the Bay, would desirable.

Our reception here by the authorities and citizens generally has been very kind & hospitable and I am happy to add that the American Consul is a gentleman of integrity and moral worth and very vigilant in subserving our Commercial interests.

I am Sir Very Respectfully
Your Obt Svt
Andrew H. Foote
Lieut. Comdg

Comm[r] Francis H. Gregory
Comdg US Naval Forces
Coast of Africa

1850, Oct 17

To the Hon. Wm Wilde
Chief Justice of St Helena
& Judge of the Vice Admiralty Court

Case of the American Brigantine Volusia

The American Brigantine "Volusia" captured by Her Britannic Majesty's Steam Sloop Rattler, Commander Cumming, off the Congo July 3rd 1850 as a Brazilian vessel. Had a sea letter from the Consul at Rio di Janeiro the same as the American Barque Navarre. She sailed from Rio in May 1850 and was strictly an American vessel bought by an American Citizen in Rio, and in this respect also the case resembles that of the Navarre.

Commander Cumming in letters to Hon. Captain Hastings one of which was for the information of Lieut. Foote Comdg the U S Brig Perry states "that the Volusia had American Colors flying when boarded and that I at once discovered the Register to be false it was written on foolscap paper with the original signature erased her other papers were likewise forgeries. The Register and Muster Roll were destroyed by the master, the remainder of the records were sent in her to St Helena for adjudication."

In this case the Captain also signed a paper that he was a Brazilian, had no protest to offer, no wish to go and defend the vessel &c.

In the month of August while Commr. Gregory Comdg the US Naval Forces was at Loanda Captain Quiney

Disney, the master of the Volusia, armed with his sea letter from the U.S. Consul, and claimed that paper to have been with other papers genuine and strictly in form. Capt. Disney also affirmed that he was prevented from going in the vessel to defend her, that he was assured that she was bound to Sierra Leone, and that all that he did at the time of Captain Swan's visit was not voluntary, but was the effect of the coercive measures pursued towards him.

The sea letter in question with the affidavit of the master of the Volusia is believed to have been sent by Commr. Gregory to the government of the U. States.

This vessel had no Register as is shown by the Consul and the paper called by Commander Jenning the Register written on a sheet of foolscap paper with the signature erased over the sea letter given by the Consul, which the Captain of the Vessel did not destroy but produced as the document given in the place of the Register, on the sale of a vessel, which in time of peace is sufficient proof of nationality.

St Helena October 17th 1850

(Copy) 1 ✓

3
Encl

U.S. Brig Perry
St Helena Oct 17th 1850

Sir

I have the honor to enclose a statement of the circumstances attending the capture of the American Barque Navarre, which has been condemned in Oct. 13. in Vice Admiralty Court at this Island, as a vessel of unknown nationality.

Will you do me the favor to direct that I may be furnished with a copy of affidavits of the British Officers and others who may have participated in the case of the Navarre with other relevant information in possession of the court.

I have the honor to be
Very Respectfully
Your Obt Servt
(Signed) Andrew K. Pond
Lieut. Comdg

To His Honor
William Wilde
Chief Justice of St Helena
and Judge of the Vice Admiralty Court

767

Copy

3
Encl.

U.S. Brig Perry
St Helena Oct 14th 1850

Sir

I have the honor to enclose a statement of the circumstances attending the capture of the American Barque Navarre, which has been condemned in Ad. 13. Vice Admiralty Court at this Island, as a vessel of unknown nationality.

Will you do me the favor to direct that I may be furnished with a copy of affidavits of the British Officers and others who may have testified in the case of the Navarre with other relevant information in possession of the Court.

I have the honor to be
Very Respectfully
Your Obt Servt
(Signed) Andrew H. Pinkham
Lieut. Comdg

To His Honor
William Wilkie
Chief Justice of St Helena
and Judge of the Vice Admiralty Court

767

US Brig Perry
a. Octr 17th 1850

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ave the honor to be
Very Respectfully
our Obt Servant
Andrew H Foot
Lieut. Comdg

alty Court.

Case of the American Barque "Navarre" captured off Ambriz by Her Britannic Majesty's Steam Sloop Firefly. March 19th 1850.

The American Consul, at Rio de Janeiro, says, that the "Navarre" was sold to R J Clark a Citizen of the U States, in 1849 a sea letter was granted to the Navarre by the Consul which vessel cleared for St Catharine Decr 28. 1849. The papers of the Navarre, the Consul adds, were regular and true. The owner was master. The American crew shipped in the Consuls office.

Information from other sources has been given that the Navarre proceeded to St Catharine, from thence was supposed by the Consuls, and the crew, to be bound for California, but proceeded to Rio Ostris, when she received on board seven persons, Portuguese or Brazilians, who were called passengers. At Rio Ostris she took in Water casks, plank, beans, rice, farinha &c. The American crew applied for their discharge which was refused them.

The Navarre then shaped her course for the Coast of Africa, and after about 40 days run made the land at, or to the Sd of St Philip de Benguela, when she was boarded by H. M. Brig Water Witch and permitted to pass, after a close examination of her papers. The Captain of the Navarre after having intimated his intention to the officer of the Water Witch of going into Benguela declined

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Case of the American Barque "Navarre" captured off Ambriz by Her Britannic Majesty's Steam Sloop Pincher, March 19th 1850.

The American Consul at Rio de Janeiro, says, that the "Navarre" was sold to R J Clark a Citizen of the U States, in 1849 a sea letter was granted to the Navarre by the Consul which vessel cleared for St Catharine Dec 28. 1849. The papers of the Navarre, the Consul adds were regular and true. The Owner was master. The American crew shipped in the Consuls office.

Information from other sources has been given that the Navarre proceeded to St Catharine, from thence was supposed by the Consul, and the crew, to be bound for California, but proceeded to Rio Janeiro, where she received on board seven persons, Portuguese or Brazilians, who were called passengers. At Rio Janeiro she took in Water casks, plank, beans, rice, farinha &c. The American crew applied for their discharge which was refused them.

The Navarre then shaped her course for the Coast of Africa, and after about 40 days run made the land at, or to the S.E. of St Philips de Benguela, when she was boarded by Of Mr Brig Waltz Witch and permitted to pass, after a close examination of her papers.

The Captain of the Navarre after having intimated his intention to the officer of the Waltz Witch of going into Benguela declined declined on hearing that the U.S. Brig Perry was there, assigning to his crew, as the reason, that the Perry would take him prisoner and at night accordingly bore up and ran down towards Ambriz.

The Captain of the Navarre also stated to a part of the crew, that the officer of the Waltz Witch had advised him to give the Vessel up to him, as the Perry was at Benguela, and would certainly take his vessel and send home, whereas he would only take his vessel, and let him land and go free.

On reaching Ambriz with the American flag flying, the Navarre was boarded by the Comd[r] of Of Mr Steam Sloop Pincher, who on examining the papers given by the Consul, and passed as being in form by the Commander of the Waltz Witch, pronounced them false. The Captain of the Navarre was threatened with being taken to the American Squadron or to New York, and fearing worse consequences in case he should fall into the hands of the American Cruiser, preferred giving himself up his vessel, and a false American to a British officer. Under these circumstances he signed a paper that the Vessel was Brazilian property, and he a Brazilian subject, by the name of Antonio Joe Ferreira. The mate was ordered to haul down

Barque "Navarre"
Oster Britannic Majesty
March 19th 1850.

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to Benguela declined

declined on hearing that the US Brig Perry was there, assigning to his crew as the reason, that the Perry would take him prisoner and at night accordingly bore up and ran down towards Ambriz.

He, the Captain of the Navarre also stated to a part of the Crew, that the Officer of the Water Witch had advised him to give the Vessel up to him as the Perry was at Benguela and would certainly take his vessel and send home, whereas he would only take his vessel and let him land and go free.

On reaching Ambriz with the American flag flying, the Navarre was boarded by the Comdr of H M Steam Sloop "Firefly", who on examining the papers given by the Consul, and passed as being in form by the Commander of the Water Witch, pronounced them false. The Captain of the Navarre was threatened with being taken to the American Squadron or to New York and fearing worse consequences in case he should fall into the hands of the American Cruiser, preferred giving himself up his vessel, bona fide American, to a British Officer: Under these circumstances he signed a paper, that the Vessel was Brazilian property, and he a Brazilian subject, by the name of Antonio Jose Ferreira. The Mate was ordered to haul down

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St Helena
Octr 17

down the American and to hoist the Brazilian colors, in doing which the American crew attempted to stop him, when the English armed sailors interfered and struck one of the American crew on the back of the head.

It is believed that no Brazilian papers were suspected of being on board of the Navarre.

Commander Porter of the Pinckney arrived at Loanda a few days after the capture of the Navarre, and from his representations induced Lieut Comdg Parker of the Bainbridge Brig to believe that the Navarre was Brazilian property and captured with false American papers, which papers having been destroyed left no evidence but the statements of Commander Porter as to their character, but this statement coming from a British officer was deemed by Lieut Comdg Parker sufficient, until subsequent information has led to the conclusion that the Navarre was bona fide an American Vessel, and whether engaged in legal or illegal trade, the embargo pursued towards her by Commanders Craven and Porter of the Brazilian Ships Water-Witch and Pinckney was wholly unauthorized and her subsequent capture by Commander Porter was in violation of the Treaty of Washington, and of the Laws of Nations.

(signed) Andrew H Foote
Lt Comdg

U.S. Steamer
Oct 17th 1850

Extracts from the records in the US Consulate Rio de Janeiro, dated August 13 1850 in relation to the American Barque Navarre & Brigantine Volusia and signed E Kent
US C

"Navarre"

"Barque Navarre Clark Master US Vessel sold him (not condemned) to R J Clark a citizen of the US States, in 1849 a sea letter was granted by me after full investigation to go in ballast voyage until her first arrival in the US States, and no longer. Cleared for St Catharines Nov 28. 1849, the Master who was the purchaser declaring an intention to go to California.

The papers of this Vessel from this office were regular and true. Capt Clark has returned to the city"

"Volusia"

"The only other American Vessel that appears to have sailed from this port, supposed to be for the Coast of Africa is the Brig Volusia Captain Disney, sold at this port to an American citizen. She had a sea letter from this office similar to that granted to the Navarre. She sailed in May 1850. Cleared from this port May 1850" (1st)

E Kent
US C

Extracts from the records in the US Consulate Rio de Janeiro, dated August 13 1850 in relation to the American Barque Navarre & Brigantine Volusia and signed E Kent USC

"Navarre"

"Barque Navarre Clark Master US Vessel sold here (not condemned) to R J Clark a citizen of the US States, in 1849 a sea letter was granted by me after full investigation to go on lawful voyage and until her first arrival in the US States and no longer. Cleared for St Catharines Dec 22 1849, the master who was the purchaser declaring an intention to go to California.

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(sgd) E Kent
USC

(Copy)

U.S. Brig Perry
St Helena Oct 17th 1850

Sir

I have the honor to enclose a statement of the circumstances attending the capture of the American Brigantine Volusia, which Vessel has been condemned in H.B.M. Vice Admiralty Court at this Island as a Vessel of unknown nationality.

Will you do me the favor to direct that I may be furnished with a Copy of affidavits of the British officers and others who may have testified in the case of the Volusia with any other relevant information in possession of the Court.

I have the honorable
Very Respectfully Sir
Your Obt Servt
(Signed) Anthon H Foote
Comdr the US
Brig Perry
Off St Helena

To
The Hon
William Wilde
Chief Justice of St Helena and
Judge of the Vice Admiralty Court

(Copy)

Encl.

U.S. Brig Perry
St Helena Octr 17th 1850

Sir

I have the honor to enclose a statement of the circumstances attending the capture of the American Brigantine Volusia, which Vessel has been condemned in H.B.M. Vice Admiralty Court at this Island as a Vessel of unknown nationality.

Will you do me the favor to direct that I may be furnished with a copy of affidavits of the British officers and others who may have testified in the case of the Volusia with any other relative information in possession of the Court.

I have the honor to be
Very Respectfully Sir
Your Obt Servt
(Signed) Andrew A Fort
Comdr the US
Brig Perry
Off Station

To
His Honor
William White
Chief Justice of St Helena and
Judge of the Vice Admiralty Court

The American Brigantine "Volusia" captured by Her Britannic Majesty's Sloop Rattler Commander Cumming off the Congo July 2nd 1850 as a Brazilian Vessel. Had a sea letter from the Consul at Rio de Janeiro, the same as the American Barque Navarre. She sailed from Rio in May 1850 and was strictly an American Vessel, bought by an American Citizen in Rio, and in this respect also the case resembles that of the Navarre.

Commander Cummings in letters to Captain Hastings, one of which was for the information of Lieut Fort, Comdg the US Brig Perry, State, That the Volusia had American Colors flying when boarded and that [illegible] discovered the Register to be false, it was written on foolscap paper with the original signature erased, her other papers were likewise forged. The Register and Muster Roll were destroyed by the Master, the remainder of the Records were sent on here to St Helena for adjudication."

On this case the Captain also signed a paper, that he was a Brazilian, had no protest to offer, no wish to go and defend the Vessel &c.

On the month of August which Commodore Gregory Comdg the US Naval Forces, was at Loanda. Captain Disney the Master of the Volusia, came with his sea letter from the US Consul and claimed that paper to have been with

The American Brigantine "Volusia" captured by Her Britannic Majesty's Sloop Rattler Commander Cumming, off the Congo July 2d 1850 as a Brazilian Vessel. Had a sea letter from the Consul at Rio de Janeiro, the same as the American Barque Navarre, She sailed from Rio in May 1850, and was strictly an American Vessel, bought by an American Citizen in Rio, and in this respect also the case resembles that of the Navarre.

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This Vessel had no
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proof of nationality.

(Signed) Andrew H
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with other papers genuine and strictly in form, Captain Deane also affirmed that he was prevented from going in the Vessel to defend her, that he was assured that she was bound to Sierra Leone, and that, all that he did at the time of Capture was not voluntary, but was the effect of the coercive measures pursued towards him.

The Sea letter in question with the affidavit of the master of the Voluseia is believed has been sent by Comm.r Gregory to the Government of the U.States.

This Vessel had no Register as is shown by the Count, and the paper called by Cont.r Cumming the Register written on a sheet of foolscap paper with the signature traced was the Sea letter given by the Consul, which the Captain of the Vessel did not destroy, but preserved as the document given in the place of the Register on the sale of a Vessel, which in time of peace is sufficient proof of nationality.

(Signed) Andrew H Davis
Lieut Commanding

(Copy)

St Helena
17th Octr 1850

Sir

I have the honor to acknowledge the receipt of your letter of this days date acquainting me that you "inclose a statement of the circumstances attending the capture of the American Barque Navarre which has been condemned in H.B.M. Vice Admiralty Court; as a vessel of unknown nationality," and requesting me to direct that you may be furnished with the affidavits of the British officers and others who may have testified in the case, with any other relevant information in possession of the Court.

And to state in reply that I am not aware of any American Vessel having been condemned in the Vice Admiralty Court of this Colony.

It is true that a Barke called the "Navarre" was condemned in the Court in the month of April last, which may or may not have been American, but the circumstances under which the case was presented to the Court were such as to induce the Court to conclude that

Lieut Andrew H Gordon
Comdg HM Brig of War Perry
&c &c &c

771

(Copy)

St Helena
14th Octr 1850

Sir

I have the honor to acknowledge the receipt of your Letter of this days date acquainting me that you "Enclose a statement of the circumstances attending the capture of the American Barque Navarre which has been condemned in H.B.M. Vice Admiralty Court, as a vessel of unknown nationality," and requesting me to direct that you may be furnished with the affidavits of the British officers and others who may have testified in the case, with any other relevant information in possession of the Court.

And to state in reply that I am not aware of any American Vessel having been condemned in the Vice Admiralty Court of this Colony.

It is true that a Barke called the "Navarre" was condemned in the Court in the month of April last, which may or may not have been American, but the circumstances under which the case was presented to the Court were such as to induce the Court to conclude that

Lieut Andrew H Foote
Comdg US Brig of War Perry
&c &c &c

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that the "Navarre" was a
seizure not entitled to the
flag of any State or Nat

With respect to your
should direct that you be
a copy of the affidavits
regret to state that, with
to comply with your wish
regards the proceedings

Yet, as the statement
have enclosed not only
conduct of the officers
seizure, but involves questi
within the province of the
not feel myself justified
special directions in repl
application.

I beg also to acknowled
of your Letter of the same
ing a similar request an
statement with respect to
of the alleged American
"Volusia" and trust that
consider the objections
expressed to the compliance
request in the case of the
to be applicable to the ca
repel also.

I have
Sir
Your Most
(signed)

that the "Navarre" was at the time of seizure not entitled to the protection of the flag of any State or Nation.

With respect to your request that I should direct that you be furnished with a copy of the affidavits in the case, I regret to state that, with every disposition to comply with your wishes, so far as regards the proceedings of this Court, yet, as the statement which you have enclosed not only reflects upon the conduct of the Officers concerned in the seizure, but involves questions not falling within the province of this Court, I do not feel myself justified in giving any special directions in reference to your application.

I beg also to acknowledge the receipt of your Letter of the same date, containing a similar request and including a statement with respect to the capture of the alleged American Brigantine "Volusia" and trust that you will consider the objections which I have expressed to the compliance with your request in the case of the "Navarre" to be applicable to the case of this vessel also.

I have the honor to be
Sir
Your most obedient Servant
(signed) W Wilde
Judge of the
Vice Admty Court

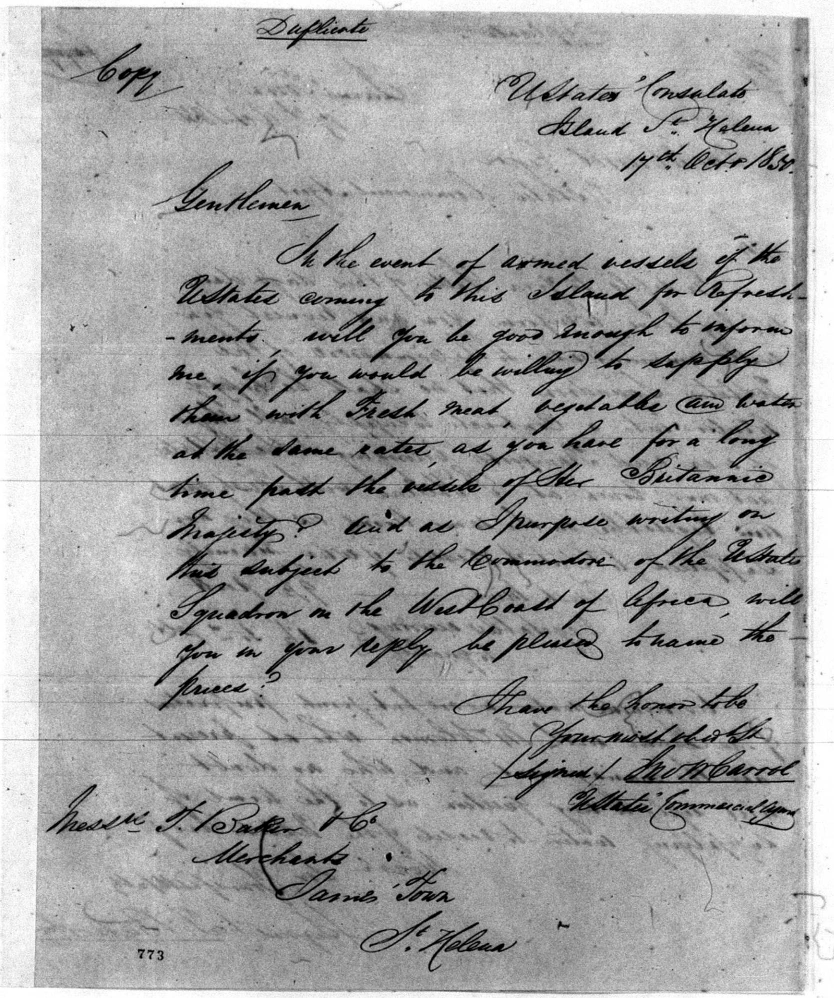
H.M.S. Brig Perry
St Helena Octr 17th 1850

Sir

I have the honor to acknowledge the receipt of your letter of this days date in reply to my letter of request and statement made in relation to the American nationality and seizure of the Barque Navarre and Brigantine Volusia informing me for the reasons assigned, that you do not feel yourself justified in giving any special directions in reference to my application.

I have the honor to be
Very Respectfully Sir
Your Obt Servt
(signed) Andrew M Parker
Lieut Comdg

To His Honor
William Wilde
Chief Justice of St Helena &
Judge of the Vice Admiralty Court



Duplicate

Copy

U States' Consulate
Island St. Helena
17th. Octr 1850.

Gentlemen

In the event of armed vessels of the UStates coming to this Island for Refreshments will you be good enough to inform me, if you would be willing to supply them with Fresh meat, vegetables am water at the same rates, as you have for a long time past the vessels of Her Britannic Majesty? And as I purpose writing on this subject to the Commodore of the UStates Squadron on the West Coast of Africa, will you in your reply be pleased to name the prices?

I have the honor to be
Your most obedt St
(signed) Jno W Carroll
UStates' Commercial Agent

Messrs. J. I Baker & Co
Merchants
James Town
St. Helena

773

Duplicate

Copy

James' Town
17th Oct. 1850

J. W. Carroll Esqr
U. States Commercial Agent

Sir

In reply to your Letter of this days date We beg leave to inform you and request you will communicate to the Commander of the U. States Squadron that we shall be happy to enter into a Contract to supply all ships of war and Transports belonging to the U. States that may touch at St. Helena with fresh meat and vegetables on the same terms as they are supplied to British vessels of war namely

Fresh beef ——— 9½ per ℔
Vegetables according to quality @ 1½ to 2 per ℔

As regards water we are but joint proprietors of the Tanks with Mr Solomon who at present has the management and who no doubt will reply to any question as to the terms of supplying water to vessels of the U. States here

We are Sir Your faithfully
Signed / T. Beckett

Duplicate

U. States' Consulate
Island St. Helena
17th Oct. 1850

Sir

As you are one of the Proprietors of the Tank Boats which convey water to the Shipping will you be so kind as acquaint me, if you are willing to supply any armed vessel of the U. States coming to this Island touching water with the use of such Boats at the same rate and on the same terms as the vessels of Her Britannic Majesty are furnished? as I purpose communicating with the Commander of the U. States Squadron on the West Coast of Africa on this subject. The water by the British Government being allowed to States vessels gratis, of course I only require to be informed the rate per Ton at which the Tanks will take it along side the ship requiring it.

I have the honor to be
Sir
Your Mo: obt Sv
Signed / J. W. Carroll
U. States' Commercial Agt

J. Solomon Esq
Merchant
James Town
St. Helena

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Copy

Duplicate

St Helena
Oct. 19th 1850

Sir

I beg to acknowledge receipt of your letter dated United States' Consulate 17th Oct. in which you wish to be acquainted if I am willing to supply any armed Vessel of the United States coming to the Island and needing Water with the aid of such boats at the same rate and on the same terms as Vessels of Her Britannic Majesty are furnished.

In reply I have to regret not being able at present to entertain your proposal more particularly as there are certain conditions in the Contract with the British Government of which perhaps you are not aware, however I pledge myself on the part of the Tank Proprietors for a period of Three years that any United States vessel of war requiring water per Tanks the same shall be conveyed without any delay at the Rate of Three Shillings and Eleven pence per Ton of Two hundred and fifty two Imperial Gallons for Tank Hire

I have the honor to be
Sir
Your most obd. St.
(Signed) S. Solomon

J. W. Carrol Esq
U States Commercial Agent
St Helena

Docts from U.S. Consulate
St Helena. Oct. 1850.

U.S. Brig Perry
St Helena Oct 19th 1850

Sir

A few days previously to leaving the Coast of Africa a letter from the American Consul at Rio was received by me, addressed to Comd.r Powell of the John Adams, or to the Commander of any U.S. Ship of War. This letter inclosed a paper containing minutes from the records in the U.S. Consulate at Rio de Janeiro in relation to several american Vessels, and among them, the Barque Navarre, and Brigantine Volusia (inclosed herewith) which Vessels have been seized, and condemned in the Vice Admiralty Court of this Island, as vessels of unknown nationality.

Availing myself of your permission to attend my duties, as far as St Helena to refresh the crew, and being in possession of these minutes, which throw additional light on the cases of the "Navarre" and Brigantine "Volusia", both of which Vessels were seized while I was on the Coast, and made the subject of a correspondence; that of the "Navarre" taken up, and continued by Comm.r Powell of the John Adams, on his arrival on

Commodore Francis H Gregory
Comd.g U.S. Naval Forces
Coast of Africa

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on the Southern Coast, and the latter the "Volusia", was being made the subject of enquiry by myself with her late master when I left Loanda Aug 29. I considered it my duty to obtain all the information in reference to these cases in my power, for the purpose of forwarding it to you; consequently soon after my arrival at this Island, having previously drawn up the statements enclosed based on the consular minute with the correspondence and affidavits in these cases, to shew cause why the information was requested, and having been told by the Proctor of the Court, that the Registrar would probably furnish a copy of the affidavits upon which the vessels were condemned, and which Registrar declined to do so until authorized by the Judge, altho' declaring at the same time an intention to prepare the copies, in anticipation of the request being granted by the Judge of the Court. I and the Prize officers both having heard the statements read, which with the enclosed letter of application to the Judge I had shewn to the HM Consul, who fully concurred in opinion with me as to the mode of obtaining the information. I addressed the enclosed letter to the Judge with the statements, and received from him the enclosed letter in reply, the receipt of which letter I have acknowledged, and herewith transmit to you a copy of the correspondence and accompanying papers.

I am Sir
Very Respectfully
Your Obt Servt
Andrew H. Foote
Lieut. Comdg

P.S. 25th Octr. The Queens Proctor Mr Knipe of the Vice Admiralty Court at St Helena, has this instant been on board, and informed me "that by return of the Ferry to the Coast he is forwarding the affidavits of the prize officers in the cases of the "Navarre" and "Volusia", which he was willing to allow me to peruse"; of this offer I shall probably not avail myself. I presume that the intention now is to have copies of the affidavits sent from the British Squadron to the Senior officer of the American Forces on the South Coast.

On the receipt of the affidavits in case of the "Navarre" which I presume will be forwarded to you, I respectfully call your attention to the affidavit of the prize officer in connection with the letter of Comd Tucker of 26 Mch 5 Sloop Jointly addressed to me 26 March 1850 wherein he states "when being convinced that her papers were false &c"

A H. Foote

A 16

Manuscript A1-2 released 6/14/04 AW

Manuscript # B1-2 ~~collected~~ relocated 6/4/84 HW

Manuscript (not numbered) released 6/4/84 HW

Aug't R. Stone

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Aug't R. Stone

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USA

Aug't R. Stone
Lt & A.D.C.

Aug't R. Stone
Lt & A.D.C.

Aug't R. Stone
Capt & A.D.C. USA.

USA

USA

USA

Collection THE PAPERS OF

ANDREW HULL FOOTE

~~Series and/or~~ Container 2

Shelf/Accession No.

86-38 (rev 7/82)

Manuscript # 775-76 relocated 6/4/84 HW

Copy

St Helena
20th Octr 1850

Lieut A St Poole
Commanding HM Brig Penn
St Helena

My dear Sir

Whilst confessing to you (as I now do) the very great gratification we have all had in your very acceptable visit to our little Island, I cannot let this opportunity go by, without impressing upon your special notice, the great obstacles my father so frequently met with in his Consular duties from the St Helena Government which no doubt arose from the want of an Exequatur being had from Her Britannic Majesty, and which the Secretary of State at Washington a long time since, informed my Father, had been applied for, as the President was desirous of raising every Commercial Agent (when the interests of the Flag united it) to the Post of Consul.

Were this done it would not only add proper dignity on the incumbent, but it would also compel the local authorities to be more particular in their department and that would insure the probability of much more assistance and help being obtained for the Flag, than hitherto has been rendered. I can only assure you that from the delicate and trying duties my Father had to perform (whilst having vexatious and mutinous characters to deal

deal with on the one hand, and an unwilling Government on the other) his work was most arduous and perplexing. Being a witness to these things I am very desirous that you would be good enough not only to make the request of the Government yourself to get me the Exequatur, but that you would (after pointing out the thing to the Commodore) influence him in your report to him to make a similar request. I can only say candidly that should the Government bestow this honor on me, it will not only be sensibly felt but, the best interests of American Citizens promoted.

Wishing you and all on board a speedy and safe return to the Coast with health and happiness (in which we all join) trusting to see another of the Squadron here soon.

Believe me to remain
My dear Sir
Yours faithfully
(signed) Jno W Carrol

U.S.S. Brig Perry
St Helena 19th Octr 1850

Sir

I respectfully request you to take charge of a distressed American Seaman by the name of John Foster, who I gave a passage from the Cape of Africa in this Vessel to St Helena for the purpose of furthering his object in reaching Rio de Janeiro

I am Sir Very Respectfully
Your most obt Servt
(Signed) Andrew H Foote
Lieut Comdg

Jno W. Carrol Esqr
US Commercial Agent
St Helena

U.S. Brig Perry
St Helena 19th Oct 1850

Sir

I respectfully request you to take charge of a distressed American seaman by the name of John Foster, who I gave a passage from the Cape of Africa in this vessel to St Helena for the purpose of furthering his object in reaching Rio de Janeiro.

I am Sir Very Respectfully
Your most obt Servt
(Signed) Andrew H. Foote
Lieut Comdg

Jno W. Carrol Esqr
U.S. Commercial Agent
St Helena

deal with, on the one hand, and an unwilling Government on the other) his wish was most arduous and perplexing. Being a witness to these things I am very desirous that you should be good enough not only to make the request of the Government yourself to get me the Exequatur, but that you would (after pointing out the thing to the Commodore) influence him in your report to him to make a similar request. I can only say candidly that should the Government bestow this honor on me, it will not only be sensibly felt but, the best interests of American Citizens promoted.

Wishing you and all on board a speedy and safe return to the Coast with health and happiness (in which we all join) trusting to see another of the Squadron here soon.

Believe me to remain
my dear Sir
Yours faithfully
(signed) Jno W Carrol

U S Brig Perry
St Helena Oct 20. 1857

Sir

The object of our visit at this Island having been substantially accomplished during our stay of ten days I purpose sailing tomorrow for the Coast of Africa.

Our reception here by the authorities and citizens generally has been most kind and hospitable, and I believe that the impression made by the Perry will have a salutary effect upon our Commercial interests.

Our Commercial agent I believe has had many difficulties to contend with, which might have been obviated in a measure had he been Consul An Exequatur I am informed was applied for some time since to H B majesty but has not been renewed.

I am Sir
Very Respectfully
Your Obt Servt

Andrew H. Foote
Lieut Comdg.

Commt Francis H Gregory
Comdg US Naval Forces
Coast of Africa

U.S. Brig Perry

London Nov 2nd 1850

Sir

I have the honor to report the arrival of this Vessel after a passage of ten days from the Island of St Helena.

We have exchanged salutes with the Brandt Commodore, who with three Vessels of his Squadron is now in port.

Having remained two days in port we sail this morning on a Cruise in the English Channel & Irish Sea.

Since the Capture of the Brigantine Chatsworth, which sailed for Baltimore on the 15th of September, there has been no suspicious American Vessel on the Coast.

The Officers and Crew of this Vessel are all well.

I have the honor to be
Very Respectfully Sir
Your obt Servt
Andrew A Fisk
Lieut. Comdg

Hon Wm Ballard Preston
Secy of the Navy
Washington

U.S. Brig Perry
St Paul de Loanda Nov 20th 1850

Sir,

In the event of some other officer than Commr Gregory or Captain Powell cruising on the Southern Coast, I take the liberty to leave a statement of recent occurrences with some suggestions which may be available to one unacquainted with the state of things here.

You have probably communicated with Commr Gregory and received instructions and information from him, up to the 1st of Septbr.

Since that period we have captured and sent to Baltimore the Slaver Brigantine Chatsworth. I have also returned to her Master the Brigantine Louisa Beaton of New London, which vessel was illegally detained by a British Cruiser - the correspondence on this subject has been sent to the Secy of the Navy. These cases are therefore settled, or rather will be in due time, by the District Court of Maryland, and the Government.

I enclose a statement accompanying a letter which I addressed to the Chief Justice of St Helena ~~and~~ Judge of the Admiralty Court, in relation to the Capture and condemnation of the American Vessels Navarre and Volusia - the affidavits in these cases were refused me but were by the Perry brought over to Commr Fanshawe, the British Comdr in Chief, who will probably forward them to Commr Gregory - I made application for these affidavits, as information had been received that the vessels were American, and I concluded it to be my duty to ask it of the Court - I may see

To the Comdr of any
U.S. Vessel
S.W. Coast of Africa

see Commr Fanshawe between this and the Congo - when I shall of course take the affidavits if offered, but shall make no application for them. This matter therefore remains unsettled so far as the British Commr is concerned - I am satisfied with having made the application.

A few days since, a Portuguese Schr of war fired a small gun, with a blank Cartridge (I believe no report was heard) - as we approached her, when we threw a 32 lb shot across her bows - She hauled down her Colors for a short time, but hoisted them again - I sent a boat for an explanation, when the Captain stated that he mistook us for a Portuguese suspected vessel of which he was in search.

This matter is settled as far as we are concerned. I allude to it, in case it should be brought up by the Portuguese authorities -

I enclose a correspondence with the Collector here, which explains itself - The effect has been salutary in securing to our merchant vessels more consideration from the Custom house authorities.

As we are liable continually to fall in with Cruisers at night, we have kept four muskets and two bow guns clear, and ready to return a fire at any moment - We have only once fired first, when we mistook a Portuguese Man of War for a Merchant Vessel.

Enclosed is a list of signals established between the two Commodores.

I have on good terms and with a good understanding with the British officers.

I consider Ambriz the best cruising ground tho' we have three times ran up to Benguela and once to Elephants Bay - deeming it advisable to show the Vessel the whole extent of the Coast.

As we were thirty men short, I cou

could not with safety send the boy of the Chatsworth home as prisoners, but landed them at Ambriz. This being considered prejudicial to the interests of the American fishing thus I promised to land no more men at Ambriz and also to suggest to my successor that none should be landed in future.

Our provisions being exhausted and agreeably to Commodore Gregory's orders I sail this day for Porto Praya and Monrovia and will look into Ambriz, in case the British Commodore wishes to communicate.

I am respectfully
Your Obt Servt
(Signed) J. Berrien Pope
Lieut. Comdg

P.S. It is believed that there are no American vessels now in this coast, both two or three legal traders, altho it is rumored that several vessels under the American flag and suspected of being engaged in the Slave trade, have gone round the Cape of Good Hope into the Bezambique Channel.

R. W. Poole

(Duplicate)

H.M. Brig. Penny

S.E. Coast of Africa Lat 9° S. Long 42° E

November 15th 1855

Dear Sir

At that time previously to having the H.S. in command of this vessel, I took the liberty of writing to you, requesting your kind offices in reference to my promotion, and receiving orders from the station to the Indies. But, as a change in the Cabinet has taken place, together with having myself in April last recommended to the Government an increase of force on the S.E. Coast of Africa, I presume that orders to the Ind.a have not been issued at all events I have not received them.

I am now accordingly anxious to be ordered to the W.I. with this vessel, in June next, by which time we shall have performed a Cruise even longer than was intended by the late Secy. the Admiralty. I would not make this request, asking your kind assistance, had not the vessel performed as much service, to say the least of any man of War on the Coast, and were not her condition, and the state of my own health such as to require it. In June I will have been twenty one months in command with a Brigs limited accomodations, on a coast where the unhealthiness and debilitating effects of the climate are so great, that Medical men have repeatedly said, that no vessel should cruise

cruise more than eighteen months, while already up to this period, we have cruised ten months on this Southern Coast, where with the exception of two months by the Ship John Adams, and one month by the Portsmouth, there has been no American Man of War, neither has there been a Consul, or any public functionary, but myself to supervise our Commercial interests, and suppress the Slave trade as carried on by American Vessels and American Citizens; while the English, French, and Portuguese with less commerce have their Commissioners, Consuls, Commodores and Squadrons, with whom I have been in frequent correspondence on many new and delicate points, which might have been more appropriately assigned to an experienced diplomatist than superadded to the cares and responsibilities of a Lt. in Command of the only national Vessel on the Coast. During this period, we have boarded forty nine Vessels, and captured two Slavers, the Ship Martha of New York & Brig Chatsworth of Baltimore, and retaken from the English the Louisa Beaton, belonging to Lawrence Minor of New London Ct., and informed the British Officer Comdg. H. Majesty's Forces, that this was an aggressive act, wholly unauthorized by the circumstances and in violation of the Treaty of Washington, and that I should report it to my Government. added to this I have had a correspondence with the Chief Justice and Judge of the Admiralty Court at St. Helena, calling for the affidavits of British Officers and other relevant testimony upon which two American Vessels have been condemned, on the ground of having no nationality. I claimed that their papers were in form, and that the course of the British officers was wholly unauthorized and contrary to the Treaty and to the Laws of Nations. The Judge called on me and offered to let me see unofficially the proceedings in these cases, and said that the affidavits could be sent to the British Commodore by the Perry. I declined acting unofficially, when he wrote me that as my letter reflected upon the conduct of British officers and involved questions beyond the province of the Court, he did not feel himself justified in giving any special directions in the case. I brought however the affidavits called for over to the Coast and soon will meet the British Commodore, who will probably hand them over to me or send them to Comm. Gregory. In all my correspondence except this, I have gained my point, and as this was with a Chief Justice, and so much out of my line, I am satisfied in coming off as well as I have done.

My Cruise as will be seen by an extract of a letter from Comm. Gregory dated Aug 24th was approved up to that period. Since then, the Chatsworth has been captured the Louisa Beaton retaken and the correspondence with the Chief Justice of St Helena in relation to the condemnation of vessels of questionable nationality has taken place.

Extract

"Having received your several letters and reports under date of 5th Aug, June 7th & 12th, including your report of the capture of the ship Martha, and correspondence with the Hon. Capt Hastings, relative to the commercial interests, and rights of our Flag, it affords me the highest satisfaction to note, the zeal, energy, and prudence with which you have so ably and promptly discharged the important duties assigned you. The efficient condition and high state of discipline, which distinguish the vessel under your command, also entitle you to the highest commendation, and cannot fail to ensure you the approbation of the Government, to which full reports will be made.

It was my intention to have relieved you, for a while, from the incessant duties, which have by circumstances, been imposed upon you, but that I regret, cannot be done at the present moment, without leaving our interests here unprotected" &c.

Independently of these responsible duties, imposed on a Lieut. in his first command, we have cruised a good deal after Slavers in open boats, we have been reduced by prize crews taken from us, thirty five officers and men, leaving us very short handed, and with only two Pass'd Midn remaining (who I have made Actg Lieuts) out of two Lieuts, a Master and three Pass'd Midn with which we sailed from the United States

With these services performed in this climate

climate with the reduced number of officers and men, the effect has been materially to undermine the best constitution. Officers and men have cheerfully performed their duty but all of us will for peace, if not for life, feel the effects of this laborious service, and I must add, that I do not think it possible for me to endure it more than six or seven months longer, therefore I beg that you will use your personal and official influence with the Secy of the Navy to have us relieved home, or at least orders to sail for the U.S. in the month of June ensuing. I presume that the Secy will say, Ah yes the Navy shall be relieved but the next autumn will find us here. I want a promise that our orders shall be sent at once to the Commodore to order us home in June, July or at latest August and please let Mrs Polk know this as she will write me and I can then be at hand ready to avail myself of the orders when they come. If on the other hand orders have been sent for us to go to the Med.n as it is now so late in the cruise, please also get us orders home, as my health is so much impaired with safety to remain out much longer, tho' I wish to retain command until the Vessel returns to the United States.

I do not wish to be understood as complaining

complaining of the Service assigned me on the S.W. Coast, on the contrary, I consider it, and feel much indebted to Comm.r Gregory, with whom I have always been on the best terms, for giving me this service, and orders so largely discretionary.

We sail on the 1st Instant, to rejoin the Commodore and the Squadron on the south coast. We may or may not soon resume our Cruising here - but as the Hon. Captain Hastings remained a few days since, as I was taking leave of him, our Corporation with the English, and the Captures have given the slave trader a serious blow, at least as far as the American flag, and American vessels are concerned. Our Corporation with most of the British Officers in the suppression of the slave trade, has been harmonious, and very pleasant, especially with the Hon. Capt Hastings, one of the Southern Gent. with whom I have had personally an intimate time, notwithstanding the occasional tartness of our official correspondence.

I have heavy written modernately, but I cannot conclude without expressing the hope that you will use your influence in stopping Whiskey from the ration table. It is absurd for many officers to say that the men require it. They do not need it, they are in all respects far better off without it, and unimportantly more effective when no grog is used. I have seen it tried in the Cumberland Brigade, and in this vessel, when all hands have said, and

and do only stop the Whiskey ration. It will have to be done voluntarily by the men, which the Government allow it as part of the ration, for they will draw and drink it, from fear of public opinion. The remedy is to strike it from the ration table, for Officers will not use their personal influence and exertion as I have done, to induce the men to stop it, and this I have done, only to show that men are better off and in better discipline without its daily use.

I am aware that long letters are unacceptable, and in many cases in bad taste, but the impregnancy of my epistles, added to the strong desire of winning to the U States in June, must be my apology for this protracted and egotistical communication.

I am Sir Very Respectfully,
and truly, Your Obliged
friend and servant
Andrew H. Foote

Wm Penman Smith
US Senate
Washington D.C.

P.S. In a letter to Comm.r Smith, which I hope that you may have an opportunity of perusing, I have added the strong professional reasons, that want of sails, leaking nine inches per hour in a gale of wind

~~[illegible]~~ - Topgallt rigging nearly gone - Berth deck and ladders almost expended &c, ought to send this vessel as a matter of necessity and economy to the U.S. in a mild season and that as early as practicable.

I have written a similar letter to Senator Rathbun under the impression, from experience on this coas that cooperation is more effective, than single effort.

If convenient please show this to, and confer with Commodore Smith.

A.H.F.

Letter from Governor Pease received 24th December 1850

Consulate of the U. States
Rio de Janeiro
20th November 1850

Sir

Your letter dated Luanda September 17th last was received a few days since, giving information in relation to the capture of several vessels on the Coast of Africa. In compliance with your request I address this reply to you at New Haven Connecticut.

In relation to the "Valusia" and the "Savarè" I stated the facts in my former letter. The facts connected with the "Valusia" and her sea-letter it is perhaps proper for me to state more in detail. After the preliminary proofs of sale and ownership and other matters required before granting such a document had been taken, there seemed to be no legal ground under the instructions from the State Department to refuse the application for a Sea Letter. Mr. Raynsford my Clerk in the Office accordingly commenced the preparation of the

documents

documents and had perfected all except the Sea Letter itself, when he was suddenly stricken down by the prevailing fever and unable to attend to business. Captain Disney was very earnest to have his papers completed. I was obliged to employ such assistance as I could obtain in that time of confusion and alarm, and great press of business. I made a rough draft of a sea letter and handed it to a gentleman assisting me to copy. It was not finished until late in the evening; when it was presented to me, I found that he had made it as a copy, and had written the word "signed" before my name. Capt. Disney insisting upon having his papers that evening, I erased the word "signed" and my name and signed it over again, and affixed the Seal of my Office. I regard the Seal as the principal thing. And although, except under such pressing circumstances, I should usually avoid any thing like scratching or erasures, yet I think such appearances would hardly lead a reflecting man to suspect fraud. especially when the Seal of the Consulate was

was impressed, and various other documents, duly sealed and certified, were attached. A man attempting a forgery would not present a "paper with such marks but would take care to have every thing fair and smooth to the eye. The vessel too was regularly cleared. It is the general conviction here, that both the "Louisa" and the "Navare" were bound on a slave voyage. My own opinion coincides with this conviction, although I had no evidence of any such intent when the vessels sailed, on which I could base action. The letters which I granted however were upon lawful voyage or voyages.

The case of the "Louisa Beaton" is a perfectly clear and strong one. I regret that I have not been able to learn the facts in detail in reference to her detention or seizure by a British armed vessel. Capt. Savage in his letter says, I shall learn the particulars from you, and you say, I shall probably obtain them from Capt. Savage. I can readily understand how such a mistake of each others intentions might

arise

arise, without any fault. The facts stated in the document I give Capt. Savage are, I am fully persuaded exactly true. The vessel was sailing rightfully under the American flag, on a legal voyage, and without any design or intent to engage in the Slave trade. If such a vessel, with such documents establishing both her nationality and her unexceptionable purposes, can not only be stopped, but be detained and her Master insulted, and his flag dishonored, by an armed cruiser of a foreign Power, on the high seas, then our government may at once abandon all the doctrines we have so long contended and fought for. But as I am cognizant of the exact facts in this case, I will not trouble you with further remarks on this matter, except to express my thanks to you for the valuable aid and services rendered by you and your vessel to Capt. Savage, and my hope, and undoubting persuasion, that prompt and ample redress for the injury and wrong, and satisfactory explanations and apologies for the outrage and insult

to our

to our flag if any such were in fact perpetrated, will be insisted upon by our government. I am sure if the case is referred to our government, that it will be in the hands of those who both know our rights, and know how to defend and enforce them.

I grieve to hear of the capture of vessels engaged in this infamous traffic by the U. S. vessels of war. I presume there can be no doubt of the condemnation of the "Martha". I trust that full justice will be done to her Master and crew, and all concerned in her and in her voyage.

I have not been able to learn any facts here concerning the "Chatsworth," or her voyage. There has been a change in the Consulate at Pernambuco, and Mr. Forden has entered upon the duties of that Office. If I learn any thing I will communicate it as you request.

The recent strong and vigorous measures adopted by the English Admiral on this Station have had the effect to suspend the operations of the Slave-traders. Whatever may be said of these movements, when subjected

jected to the test of strict international law, no one can doubt that they have been most efficacious in securing the object in view. The Brazilian Authorities have not only actually captured a vessel with more than two hundred Slaves on board, but have arrested and imprisoned one of the subjects of this Empire, who has rich and influential connections, on the charge of being implicated in the illegal voyage. He has been banished the Empire. The great object, which as it seems to me, should now be kept in view by all the Governments engaged in the attempt to suppress this infamous traffic is to prevent a revival and renewal of it. Although at present it is apparently dormant, yet it is but "scotched not killed". The instant the chance of a successful voyage outweighs the probability of capture, there will be found men with means enough ready to embark again in this enterprize. It is understood here generally that one successful voyage in three will pay good profits. We need very much on this Station at least two small

small Steam vessels of six or ten guns. One of them, for actual service, in with ten frigates. And next to them we want ten gun brigs. Now is the time to show by our actions that we are in earnest, and that we are determined to prevent a revival of this gambling commerce in human flesh across the Ocean.

If any of the cases are before the Government at Washington, perhaps the facts stated in this letter may be of some importance, and if communicated may save delay. I should have written directly to the Department of State if I was certain that any of the questions had been there presented, without waiting for any official request for information.

With much respect,

Your Ob't Serv't

Edward Kent
U. S. Consul.

To Lieut. Andrew H. Foote
&c &c

U.S. Consul at Rio de Janeiro
de Vohsen + [illegible].
Nov. 20. 1850.

689 Report of Guard of U.S. Brig Perry, A. H. Foote Esq. Lieut. Comdg., attached to West Af. Squadron. Commr. Fras H. Gregory

9

Date	Where Lat	Where Long	Vessels Name & class	Masters Name	No. Crew	Owners Name	Last From	Days out	Bound To	Cargo	Remarks
1850											
Aug 14	off Loanda		Schr. Galanti Mariae	Faya			Pernambuco	69	Loanda	Liquors &c	Boarded by Capt. Foote while entering the Harbor piloted by the Capt. of the Port
" 16	Ambriz		Brig Chatsworth	V Burbank	10	I D Johnson	Pernambuco				Suspicious, Brazilian flag flying.
" 19			Brig Carimba	Port. Man of War					Ambriz	assorted	Suspicious, having no colors foreign crew. Seized & carried her to Loanda, & searched her by order of Commr. Gregory.
" 28	Loanda		Brig Firmo	Stuyvesant							
Sept 1	8° S	13° E	Brig Providentia	N Barabus		Involisch	Rio de Janeiro	42	Ambriz		
" 3	Ambriz		Barque Villena						Congo		French
" 4	"		Brig Chatsworth	V Burbank	10	I D Johnson	Loanda	2	Ambriz	assorted	Still suspected, gave her another search of three Hours.
" 11	"		Brig Louisa Beaton	A H Savage		Lamine Minor & Co	Rio de Janeiro		Loanda	assorted	Honest Trader, Illegally seized by a British Cruiser. Returned her to her master.
" "	"		Brig Chatsworth	V Burbank	10	I D Johnson	Loanda	2	Ambriz	"	Seized her as a prize on the 11th Sept. and sent her to the U.S. on the 15 in charge of the master.
" 12	"		H M Brig Sea Lark	Sotheby							
" 13	"		" Brig Dolphin	M Temple							
" 23	7° S	9° E	Brig Oriente	a Portuguese							
Oct 10	St H Chan		Barque Imbrocein	W W Bates			Loanda	5			Chased her 42 hours —
" 17	"		" Iosco	R W Games			Madagascar	30	Salem	assorted	
Nov 1	Loanda		French Flag Ship	a Steamer			Zanzibar	42	Salem	"	The American Consul on board
" 9	"		Brig Halcyon	Voorhees							
Oct 28	11. S	12 E	Schr. Conde de Nigel	Portuguese Schr. of War			Princes Island	21	U States	Palm Oil &c	Honest Trader
Nov 12	8. S	12 E	Brig Sirius	Caithness	12						
Dec 4	3.20 S	7 E	Barque Perseverance	Wilson			S Liverpool	74	Loanda	Coal	English
" 11	3.07	10 W	Barque Catharine	Stoddar			S Leone	42	St Helena	assorted	English
						Brookhouse & Co	Salem	56	Loanda	assorted	Honest Trader

									Congo		French
" 4	"		Brig^n Chatsworth	N Burbank	10	I. D. Johnson	Loanda	2	Ambriz	assorted	Still suspected, gave her another search of three hours.
" 11	"		Brig^n Louisa Beaton	A.V. Savage		Lamerne Freire & Co	Rio de Janeiro	"	Loanda	assorted:	Honest Trader, Illegally seized by a British Cruiser. Returned her to her master.
" "	"		Brig^n Chatsworth	N Burbank	10	I D Johnson	Loanda	2	Ambriz		Seized her as a prize on the 11 Sept and sent her to the U.S. on the 15th in charge of the master.
" 12	"		H.M. Brig Sea Lark	Sotheby							
" 13	"		" Brig^n Dolphin	N Temple							
" 23	7°S	9°E	Brig Oriente a	Portuguese			Loanda	5			Chased her 42 hours—
Oct 10	S.W.	Chan	Barque Imbrecin	W.W. Bates			Matagascar	30	Salem	assorted	
" 17	"		" Iosco	R.V. Gerns			Zangibar	42	Salem	"	The American Consul on board
Nov 1	Loanda		French Flag Ship	(a Steamer)							
" 9	"		Brig^t Halcyon	Tonkin			Princes Island	21	U States	Palm Oil	Honest Trader
Oct 28	11.5	12 E	Schr Conde de Vegel	Portuguese Schr		War					
Nov 12	8.5	12 E	Brig Sirius	Cathrup	12		S Liverpool	74	Loanda	Coal	English
Dec 4	3.20 S	7°E	Barque Preservance	Wilson			S Leone	42	St Helena	assorted	English
" 11	3.07	8.10 W	Barque Catharine	Stoddar		Burkhampff	Salem	56	Loanda	assorted	Honest Trader

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U.S. Brig Perry
St Jomma Dec 21st 1850

Sir

We are about to proceed to offer assistance to the "Glamor". It seems to me that if nothing better can be done, the sick should be conveyed to St Jomma rather than remain subject to the discomforts of their present situation. If you agree in this opinion be good enough to say whether accomodations can be furnished, and I will offer the services of the Perry in transporting them.

Should any accident occur with the determination to render them all aid in our power, even if we are detained two or three days. I shall probably land with the Surgeon and hold a consultation with her Commander and Medical officer as to the best mode of relief.

I have the honor to be
Very Respectfully Sir
Your obt Servt
Signed Andrew A Poole
Lieut Comdg

To His Excellency
President Roberts
Liberia

U.S. Brig Perry
Monrovia Dec 2d 1850

Sir

We are about to proceed to offer assistance to the "Glamor". It seems to me that if nothing better can be done, the sick should be conveyed to Monrovia rather than remain subject to the discomforts of their present situation. If you agree in this opinion be good enough to say whether accomodations can be furnished, and I will offer the services of the Perry in transporting them.

In any case we go down with the determination to render them all aid in our power, even if we are detained two or three days. I shall probably land with the Surgeon and hold a consultation with her Commander and Medical officer, as to the best mode of relief.

I have the honor to be
Very Respectfully Sir
Your obt Servt
(Signed) Andrew H. Foote
Lieut. Comdg

To His Excellency
President Roberts
Liberia

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(Copy)

Government House
Monrovia Dec 21st 1853

Sir

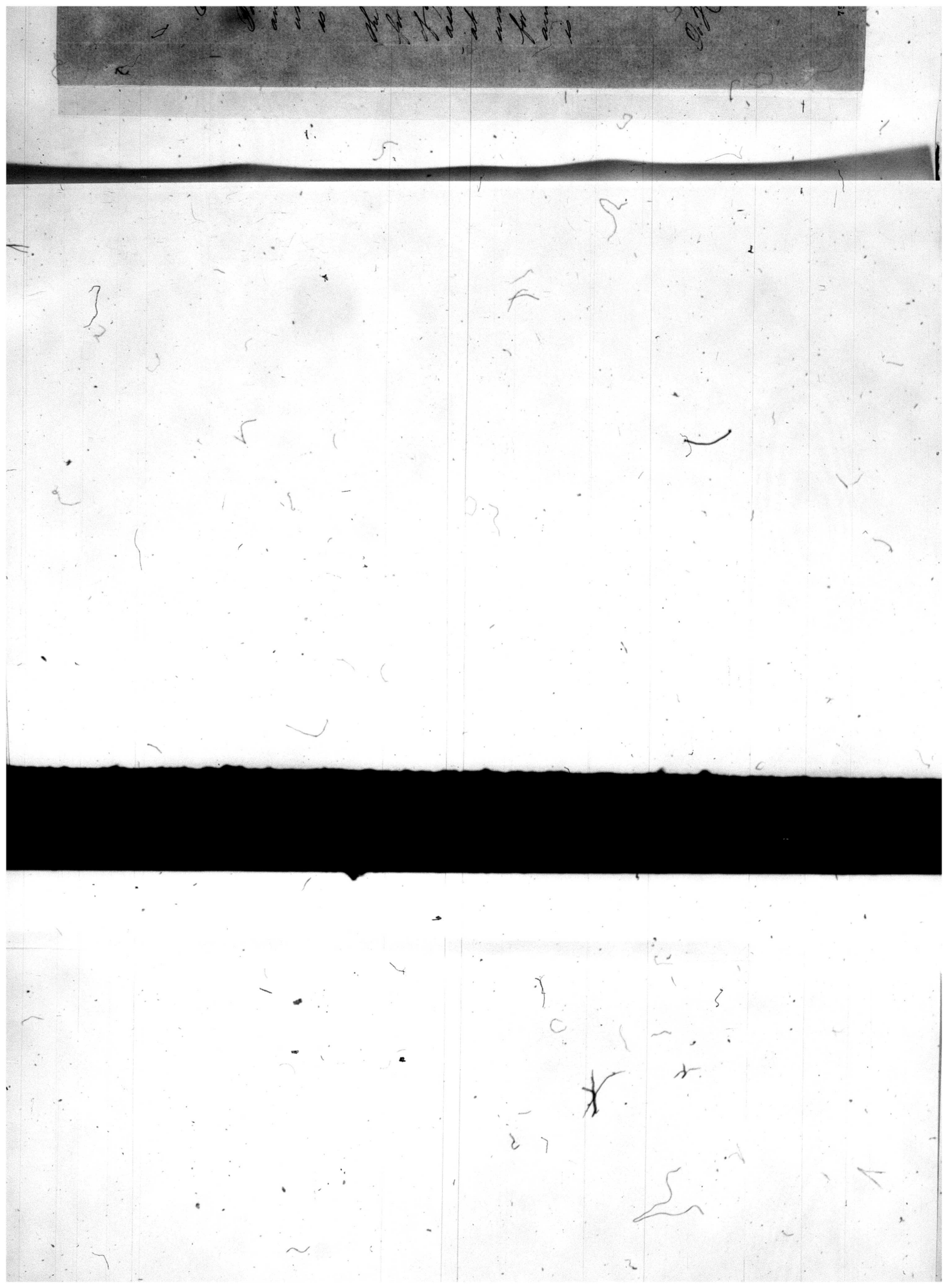
I have the honor of your note of this morning informing me of your intention to assist immediately Her Majesty Steam Vessel "Flamer" to offer to Her Commander any service you may be able to render.

With respect to removing the sick to the place, I would recommend it by all means. I will see that the best possible accommodation be supplied, and here to Nurses &c as can be had which are of the first importance in sickness.

Make my kind regards to Capt Kleger, and assure him from me, that I am quite anxious to render him any aid in my power.

With high regards
I have the honor &c
Sir
Your Obt Servt
(Signed) J. J. Roberts

Captain A.D.C. Forbes
H.M. Brig "Persy"



U.S. Brig Perry
off Grape Point Decr 29th 1850.

Sir

I have communicated with Capt. Paton of Her Majesty's Brig Hound, who anchored this morning near the Beach where Her Majesty's Steamer "Plumer" is wrecked.

Commander St Legu is on board of the Hound with a number of the sick for whom we have furnished a quantity of quinine. Both he and Capt Paton assured me that our services were not at all required, as they had made or would make all necessary arrangements for the comfort of the sick, until the arrival of the Steamer Wasp, which is daily expected.

I have the honor to be
Sir, Very Respectfully
Your Obt Servt
(Sgd) Arthur H Fenk
Lt Comdg

To His Excellency
President Rebuts
Liberia.

E/1851, Jan. 9a

[1851, Jan. 9]

Vessels boarded by U S Brig Perry. Lieut. Comdg A H Foote

Date	Where Lat	Long	Vessels name and class	Masters name	Owners name	Last From	Days out	Bound To	Cargo	Remarks
1850 Dec 16	Monrovia		Barque Edgar	Ellis		New York		New York	assorted	Honest Trader
" 22	6° N	11° W	H B M Brig Hound							
1851 Jany 1	7°.22'N.	14°.26'W	Brig Paquette de Loanda	Poolsen	Sheti	Hamburg	42	Loanda	assorted	Honest Trader
" 8	Porto Praya		Brig Choctaw			Boston		Porto Praya	"	Honest Trader
" 9		"	Bark Clara C Bell	King		do	27	do	Naval Stores	" "

(Copy)

U.S. Brig Perry
Porto Praya Feby 5th 1851

Sir

I request that you will relieve me from the Command of this Vessel, and permit me to proceed to the United States in the Brig Onda.

I am constrained to make this application in justice to Myself and to the Service, on the ground that when a Comdr in Chief informs the Commander of a vessel that he will on a certain Contingency send some person on board to take Care of his vessel, and also charges the same Commander with an act of very great indelicacy for having gone on board his Ship and inducing one of his Lieuts to assent to becoming the Executive officer of said Commander, that the said Commander whether justly or unjustly has imputations resting upon his personal and official character, which must materially impair his efficiency while serving under the Comdr in Chief who has cast them.

I am Sir Very Respectfully
Your Ob Servt
(Signd) Andrew H Foote
Lieut Comdg

Comm. Francis H Gregory
Comdg US Naval Forces
Coast of Africa

Copy

U.S. Ship Portsmouth
Porto Praya Feby 4th 1851.

Sir

Your application of Yesterday has been received, and I have in the first place to inform you, that it is not compatible with my duty, to accede to your request. And in the next, to assure you, that you are under a very great Mistake in supposing that I have intended to do you any injustice, or to outrage your feelings, in respect to the circumstance you have alluded to. From the tenor of your letter it might be supposed, that, Without any cause, I had informed you, that I would on a certain contingency, send some person on board to take charge of your vessel, whereas, it happens, that in your importunities to induce me to order Lieutenant Porter to the Perry. You stated you could not get along with your duty, and take proper Care of the Vessel. In reply I told you that your vessel being safely at Anchor, and in no danger. You might let them all go, and I would be responsible for her. And if you could not take

Care

Lieutenant Comdg
A.H. Foote
Comdg US Brig Perry

care of her, I would find some one that could. Observing that you was somewhat irritated by my remarks. I told you instantly that I did not mean you to infer, that you had not, or could not take care of your vessel, although under the circumstances, and excited as you was, you had but a moment before, twice told me you could not. all this was brought about entirely by yourself, without any design or desire on my part. It is but a short time since you were ordered out of this Port on duty which you cheerfully performed without making any of the remonstrances you have since done, although your vessel as far as I know, was in no better Condition then, than she is now.

As to the matter of Charging you with evil doing I only spoke of it as my opinion, as from my information you first asked Lieutenant Porter to join your vessel, which he declined. afterwards you requested me to order Another Officer, particularly, which I promised to do, from a disposition to meet your wishes as far as I could. after this you again solicited Lieutenant Porter, who refused to apply, but said he would go, if ordered. you then made the request of me, which I positively declined. You repeated your solicitations several times, and was as often denied. and you was also informed in a friendly manner of

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my reasons for refusing your request - after all this you sent for Lieutenant Porter on board your Vessel - and again endeavoured to get him to apply - and finally, when I supposed the matter was done with entirely, and harbouring none but the most friendly and kind feelings towards you - You again attacked me, on the Disaster deck of this vessel - on the Subject - and by your own Meanner and observations, produced the misunderstanding and difficulties of which you Complain.

I cannot perceive that either Yourself or the Service have been, or will be injured, so far, in this matter - and feel quite sure that neither will be - if You will but do your duty, with the same Zeal and ability which has hitherto distinguished You - And beg to assure you that being your Commander, I have not ceased to be your friend.

I Am Very Respectfully
Yr Mo. Ob.t Servt
(Signed) F.N. Gregory
Comdg &c &c

(Copy)

5.

U.S. Brig Perry
Porto Praya Feby 11th 1857.

Sir

I have received Your letter of this days date, in reply to my letter of application with reasons assigned, for permission to be relieved from the Command of this vessel and to proceed to the United States.

In addressing you yesterday, it was not my object to give a statement of the circumstances leading to those reflections on your part, which were regarded as just ground for my application, but simply to state the points themselves, as I had no reason to suppose that anything more could be communicated, and if so, it might even more opportunely be introduced in the future.

I do not propose here to enter upon a minute commentary on your letter, but rather to state some facts, and assign some reasons, which to my mind, have been and still are, conclusive, that in proposing to send an officer on board to take care of this vessel, and charging me with great indelicacy in endeavoring to obtain Lieut Porter's

Comm.r Francis H. Gregory
Comd.g U.S. Naval Forces
Coast of Africa

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Porters assent to come as the executive officer, you have done me officially and personally great injustice.

You will probably recollect on the 31st ultimo. when on the quarter deck of the Portsmouth, as I was about leaving the ship, that I remarked, without any manifestation of excitement "Commodore I have just seen Mr Porter, who has assured me that I have acted not only with his assent in having applied for him, but he would have been pleased with orders to the Perry, I state this to shew you, that in my wish to have him, I have not proceeded beyond his sanction, and wished, but I was in hopes that from personal considerations for me, my comfort and health, that you would have given me Mr Porter, especially as you had three Commissioned Lieutenants on board and I had none, for the cruise had tried my health and comfort severely, however as you have decided not to do it, and have of course the right to judge what is best in official matters, I bow to it, and have nothing further to say on the subject. "To my great astonishment you then charged me with having acted very indelicately in coming on board your Ship and trying to get your officers away, adding "Mr Porter shall not go, - it was your duty to have come to me, if you wanted an

an Officer +" I denied emphatically having acted with the least indelicacy and stated to you, that I never would in justice to an Officer, name him or request a Commodore to order him to a Brig as my 1st Lieutenant without having first obtained his assent - that this was of frequent occurrence in the Service in reference to executive Officers and quoted precedent - and that I applied for Lieutenant Porter (altho' application had been made for Lt Parker, under the impression that Mr Porter was not inclined to come) because I had personally known him for some time, and an executive officer, would thus at once be secured +

In reference to that passage in your letter "after all this you sent for Lieutenant Porter on board your vessel, and again endeavored to get him to apply", I remark, that I did not on that or any other occasion endeavor to get Lieutenant Porter to apply, on the contrary I told him uniformly that there was no necessity for his making an application. I have in my possession a paper from Lieutenant Porter not only substantiating this, but stating among other things - "I said to "you in this ward Room I suppose you will soon "be going to sea, you have nothing to detain you "now", You replied only the want of a Lieutenant "If any of you will volunteer, it will be all right"

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I said I could not volunteer, but if the Commodore would order me I would not complain. I afterwards told you on deck (the same evening) that you could apply for me, and would be pleased to go, giving you at the same time my reasons as the advantages it would be to me in that capacity. Therefore I made the overture and you of course could hold any conversation with me you thought proper without incurring any charge of indelicacy. The evening that we arrived here and you made your visit, I spoke to you on the poop. I suppose you will take Brown on board of your vessel, you replied perhaps Mr P. when I made some objections at that time to going, and the subject was never broached, until the evening before mentioned, at which time I did not feel that unwillingness and took that occasion to let you see it. So I made the overture on mature reflection. But I did not like to apply for special reasons. I thought it could be accommodated by your doing the Commodore, as such matters are of frequent occurrence and not informal.

With regard to your sending an officer on board who would take care of this vessel &c, I remark, that neither on that or any occasion has there been cause, as our uniform discipline, efficiency,

efficiency, and harmony abundantly there; Why such an imputation should have been cast upon me, and I am not a little surprised to find you still attributing my remarks in relation to the wants of an executive officer — not being able to take care of the vessel &c — to inability, under any circumstances with the present number of Officers, of taking care of the vessel — instead of — to the desire and expectation of obtaining one, when an opportunity presented; The readiness with which the vessel lately proceeded to sea — as well as in protracting the cruise after having officered two prizes — would seem to show that when occasion and exigencies of the service called for it, I have acted with a less number of Officers than are to be found on board any cruiser. If my importunity was too strong, it arose from the natural desire for some relief mental and physical from the care and responsibilities of Command (with such limited means) upon meeting the flag ship which had three Commissioned Lieutenants on board also from the consideration that I looked for from one who well knew the delicate state of health with which I assumed the Command of this vessel — its feeble condition at Princes Island — the active cruising, and service of the Brig, and I may add, the disposition not to complain or ask

Anything

anything unreasonable.

In view of this Subject I am constrained to say that I cherish the same sentiments as when we parted on the 31st ultimo (as on reflection you have stated in your letter of this days date) all this was brought about entirely by yourself, You again attacked me on the Quarter deck of this Ship and by your own manner and observations produced the misunderstanding and difficulties of which you complain) and therefore respectfully request, that you will either refer the Subject of my Complaint to a Court of Inquiry - or that you will forward the correspondence, with other papers relevant to the Subject, which I hope in a few days to be able to have prepared, to the Non. Secy of the Navy, for a decision, for altho' exceedingly regretting at my age in the Service, now for the first time to find myself involved in difficulty - Still I deem it a duty to vindicate my personal and Official Character and Conduct, which I believe to have been of that unexceptionable kind on this, as well as on all other occasions, as will enable me to remove the imputations which you were pleased to cast upon me, on the 31st ultimo and to renew measurably in your letter of this days date.

I am Sir Very Respectfully
Your Ob. Servt
(Signed) Andrew H. Foote
Lieut. Comdg

(Copy)

US Ship Portsmouth
Porto Praya July 5th 1851.

Sir

In my letter of Yesterday, I stated to you what my information respecting your Conference with Lieutenant Porter were - I have had no conversation with that Officer on the subject - I did not seek information from any one - I did not know that any correspondence had taken place between Lieutenant Porter and yourself - At the time you first applied for Lieutenant Porter - I had resolved upon the course to be pursued, with regard to the Officering and Cruising of your vessel - for reasons which it is not necessary to inform you of - it was not convenient for me to spare Mr Porter - and you were so informed - and, think you ought not to have importuned me on the subject afterwards - If you had at the time, made me acquainted with all the circumstances, as you have now related and explained them, there would have been no misunderstanding on the subject - for from my long acquaintance with you - You are the

Lieut. A. H. Foote
Comdg US Brig Perry

the last man I would have charged with intentional indelicacy in any matter - You seem determined to view the matter in a positive sense "Charging me with great indelicacy" when I said no more than that the Course pursued by you - seemed to me indelicate - which it certainly did then - but even then so entire was my Confidence and good will towards you, that I gave the matter no consideration - Until your Conversation elicited it, on the deck of this Ship - had you in the first instance transmitted me Mr Porter's letter - I should have taken a very different conception of the matter, and should not have considered your conduct on the occasion exceptionable or indelicate - It is unfortunate that you did not acquaint me with all the facts, when your application for Mr Porter was made - The information you have now given me, relieves you from any imputation on the subject - which I hope will afford you as much satisfaction as it does me.

As to the other matter of which you complain, I can only say - that I have never entertained any doubts of your Capability to take Care of your vessel - that, all the remarks I made on the subject were but the echos of your own observations - If yours were improper, mine must have been so too -

two – If yours were correct mine were also.

While I agree with you in your encommendations of your services under my Command – I have to acknowledge equal obligations to the Officers of the Squadron – whose untiring Zeal has so ably and efficiently seconded my exertions to fulfil our obligations to the Country.

As it is impracticable to refer your Complaints to a Court of Enquiry at this time – I will forward any Correspondence you may desire, to the Hon. Secy of the Navy, for his decision – for, there is nothing of which I am more desirous, than that you should have full justice done you – As your Complaints, or reports will be levelled against me, I shall require reasonable time to send a Counter Statement, after seeing yours.

I Am Very Respectfully
Your mo. ob. Servt
(Signed) F. H. Gregory
Comdg. Af. Squadron

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US Brig Perry
Porto Praya July 8th 1851.

Sir

Your letter of this instant has been received, and while I am happy to find from its perusal, that there is no cause remaining why reference should be made to the Hon. Sec'y of the Navy, still I must inform you that I could not have made an explanation in reference to the information which had been conveyed to you, about my sending for Lieutenant Porter and urging him a second time to apply — and other circumstances bearing upon the misinformation, upon which it seems that you formed the opinion of my having acted indelicately — for I could form no means of ascertaining what information you had received, until you were pleased to communicate it; and permit me also to add, in reference to the concluding paragraph of your letter, "as your complaints will be levelled against me", that I had hoped you appreciated me too well, to have intimated or imagined that I was disposed

Comm: Francis H. Gregory
Comd'g US Naval Forces
Coast of Africa

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disposed to assail or wrong you in this or any other matter, on the contrary no one could regret the occurrence more than I have done — And the steps taken proceeded from the impression that they were indispensible to my own vindication.

I am Sir Very Respectfully
Your Ob. Servant
(signed) Andrew H. Foote
Lieut Comdg

U. S. Ship Portsmouth
Ports Bayou Feby 5th 1857

Sir.

In my letter of yesterday, I stated to you what my information, respecting your conference with Lieut. Porter was - I have had no conversation with that Officer on the subject - I did not seek information from any one - I did not know that any correspondence had taken place between Lt. Porter and yourself - At the time you first applied for Lt. Porter - I had resolved upon the course to be pursued, with regard to the Efficiency and cruising of your Vessel - for reasons, which it is not necessary to inform you of - It was not convenient for me to spare Mr. Porter - and you were so informed - and I think you ought not to have importuned me on the subject afterwards - If you had, at the time, made me acquainted with all the circumstances, as you have now related and explained them - there would have been no misunderstanding on the subject - for from my long acquaintance with you - you are the last man I would have charged with intentional indelicacy in any matter - You seem determined to view the Matter in a positive sense "charging me with great indelicacy" when I said no more, that the course pursued by you seemed to me indelicate - which it certainly did then - but now, so entire was my confidence and good will towards you, that I gave the

Matter

— matter no consideration - until your conversation elicited it, on the deck of this Ship - had you in the first instance transmitted me Mr Porter's letter - I should have taken a very different conception of the matter, and should not have considered your conduct on the occasion, objectionable or indelicate — It is unfortunate that you did not acquaint me with all the facts, when your application for Mr Porter was made - The information you have now given me, relieves you from any imputations on the subject - which I hope will afford you as much satisfaction as it does me —

As to the other Matter of which you complain, I can only say - that I have never entertained any doubt of your capability to take care of your Ship - that, all the remarks I made on the subject - were but the echos of your own observations - If yours were inspired, mine must have been so too - If yours were correct, mine were also -

While I agree with you in your commendations of your services, under my Command - I have to acknowledge equal obligations to the other Officers of the Squadron - whose untiring Zeal has so ably and efficiently seconded my exertions to fulfil our obligations to the Country -

As it is impracticable to refer your Complaints to a Court of Enquiry, at this time - I will forward any correspondence you may desire, to the Hon. Sec of the Navy for his decision - for, there is nothing of which I am more desirous, than that you should have full justice done you - As your Complaints, or reports will be handed against me - I shall require reasonable time

— time to send a counter Statement, after seeing yours -

I am Very Respectfully
Your Ob. Sv.
J. H. Gregory
Com. 4th Off. Squadron

Lieut A. H. Foote
Com. U. S. Brig
Perry

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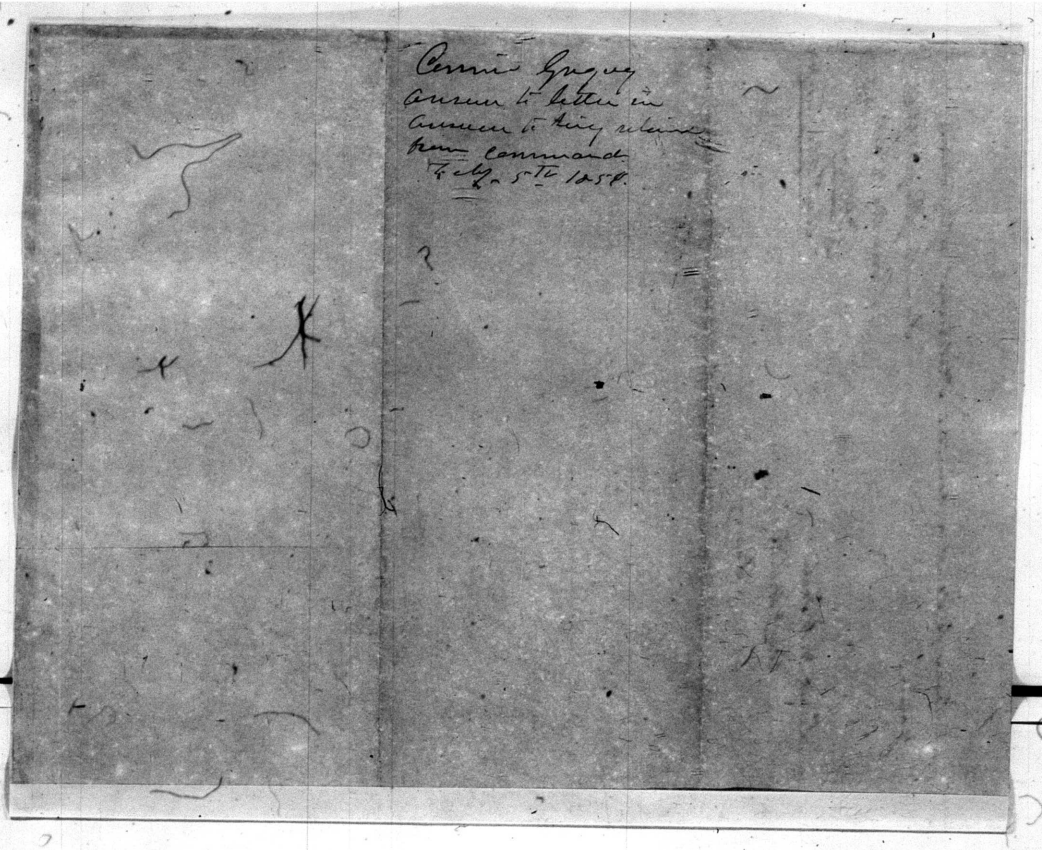

Commr Gregory
Answer to letter in
Answer to his relieve
from command
Feby 5th 1858.

(Copy)

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U.S. Ship Portsmouth
Porto Praya
Feby 19th 1857

Sir

Having reported the U.S. Brig Perry as being in readiness for service - you will be pleased to proceed home with all convenient despatch to the South Coast - and return your cruising, under the instructions and Orders heretofore given you, for the protection of the commerce of the United States, and the suppression of the Slave trade - You have permission to stop a short time at Monrovia, on your way down the coast - and also, to visit the Island of St Helena to refresh your crew during your cruise.-

When your stock of provisions shall have been expended, you will return to this Port for supplies and further orders.

Wishing you a successful and pleasant cruise

I Am Very Respectfully
Your Obt. Servt
W. H. Gregory
Comdg Af. Squadron

Lieut Comdt
A. H. Foote
Comdg U.S. Brig Perry.

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(Copy)

2

U.S. Brig Perry
West Coast of Africa
Off Ambriz April 17. 1851

Sir

Agreeably to your orders of the 19th Feby I proceeded with this vessel to the South Coast of Africa and arrived off Ambriz from Monrovia, after a short passage of twenty two days.

I have communicated with the British Comdr in Chief and several British Steamers, from whom, I learn that no suspected American vessel has been on the coast since we left it in Dec. last. also. that no slavers have been on the coast, except a Sardinian Brig captured by one of H.M. Cruizers. -

The few regular trading vessels on the coast inform me, that they have met with no interruption from the Portuguese Authorities or British Cruizers. -

We have spent three days at Loanda and since visited Kabenda and Loango two Notorious

Comm. Francis H. Gregory
Comdg U.S. Naval Forces
Coast of Africa

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notorious slave stations North of the Congo River, and are now bound up the coast as far as Elephant Bay - that the vessel may be seen the entire extent of the Southern Coast where the slave trade has been prosecuted.-

The Officers and Crew of this vessel are in good health.

I am Sir
Very Respectfully
Yr Ob Servt
(Signed) Andrew H. Foote
Lieut Comdg

(Copy)

4

U.S. Brig Perry
Off Ambriz
April 17. 1851

My dear Sir

I am happy to inform you that the Slave trade, within the past year, has received an effectual check, if not its death blow, certainly there have been no suspected Vessels bearing our flag on the Southern Coast, Since the capture of the Chatsworth by this vessel 11th Sep. 1850, and one Slave vessel only has been captured, and that a Sardinian Brig, Since I am.—

In a letter from the British Commissioner Sir Geo. Jackson at Loanda, to Lord Palmerston, which I was permitted to read, he says that the present state of the Slave trade arises, from the activity of British Cruizers the Cooperation of a part of the American squadron on the Southern Coast within the year and its capture of two or three Slavers bearing

Commodore Joseph Smith
Chief of Bureau
Yards & Docks
Washington

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bearing the flag of that Nation, together with the measures adopted by the Brazilian Government, and adds, it now may be said that the trade on this Southern coast is confined to a few vessels bearing the Sardinean flag— Comm.r Hanshawe Comd.r in Chief of Her Majesty's Forces, has expressed himself equally sanguine as to the state of the trade, and is of opinion that the continued presence of our vessels, in cooperation with the English will tend to depress if not effectually break up the traffic; The Comm.r is preparing a letter on this subject, in answer to one which I addressed him a few days since, a copy of which, I hope to furnish you, or its purport, if received in time to accompany this communication.

I had the impression previously to joining this Squadron, that the orders of our Government— giving such little latitude to our Commanders,— superadded to the difficulty of getting a slaver condemned in our Courts that had not actually slaves on board were such obstacles that the American Squadron could effect little or nothing towards the suppression of the slave trade, or even prevent the use of our flag in the traffic—

But experience has entirely changed my views, and I am now quite confident that if the Commodore had a Steamer, which is here wanted more than on any other Station, in which he might visit his vessels frequently, which by all means should be stationed at points on the whole extent of the slave coast, that we no more would hear of a slaver using the American, than we do now of his using the British flag, I do not hesitate to say that a fair trial has not yet been made, we have not had, until the arrival of this vessel, for a period of more than two years, an American Man of War on this Southern coast, the slave trade in consequence was boldly carried on under our flag, while in most instances the British Cruizers dared not interfere with these vessels, in consequence of our doctrine of visit and right of search. At this juncture Comm.r Hanshawe, the British Comd.r in Chief, to whom the cause of humanity owes so much, made a special visit to Comm.r Gregory on his arrival at Porto Praya to take command of the Squadron, and proposed that a part of our Squadron should proceed to this Coast to cooperate with British Cruizers, The results in suppressing

the

7.

the slave trade, and protecting our legal commerce have been witnessed.—

I have suggested a plan which is practicable, and the only one in my opinion by which the slave trade can be suppressed, the present expenditure will do it, altho' eight vessels carrying but 20 guns would be far preferable to the present number, Coal at Loanda can be furnished for us as cheaply as it is to the British steamers f.x. 10 per Ton, The sailing vessels might be stationed within a certain number of Miles of each other, and provisioned by the steamer or store ship, each vessel to be relieved once a year to run into the trades or Madeira, tho' experience proves that her stay should there be short, as the sick list in all cases has been more increased than diminished by the visit, The English have adopted this plan and many of them remain two full years without having the coast, and notwithstanding their boats cruising most of the time, they enjoy as good health on this as on any other station, and this vessel the "Perry" having had no death, or scarcely an acute disease on board, proves that constant service on the coast of Africa, with temperance and good discipline will ensure

ensure health, It is a well dijested system of cruising which is wanted in this Squadron, and without which the Slave trade especially that under Cover of our flag will soon be as ripe as ever.

I have not seen Mr. Webster's report on the African Slave trade, but have read Mr. Clay's remarks in relation to the subject and seen other views expressed of the inefficiency of Squadrons to suppress the trade — the great Mortality in our Cruizers &c all of which is a great Mistake, If Colonization (which I sincerely hope it may) be encouraged by Government as a means of stopping the Slave trade (tho' the proposed line of Steamers I regard as visionary) Men of War Cruizers are essential to their preservation and protection for many years to come, else, the Slave traders and Natives banded together, would exterminate Colonists as fast as they could be planted, withdraw the Squadron, and our Colonies the trade in Ivory, gum, copper, palm oil &c now in process of development, would soon be broken up, and the entire Coast handed over to the tender Mercies of Piratical Slavers.

There has been a difficulty heretofore

heretofore in officering this Squadron, and even when the Vessel reaches the Station with her full complement almost every expedient is resorted to for the purpose of returning to the United States. The Surgeon is not unfrequently importuned to grant a sick ticket contrary to his better judgment, this speaks ill for the "esprit du corps" of the Service, all Officers should from a sense of duty be willing to perform their portion of service here, if not the Department holds in its hands the corrective by proclaiming those who are not prepared to obey all orders for service, as well as those who leave their Vessels and return home from foreign Stations.

I am Very Respectfully
And Truly Yours
(Signed) Andrew H Foote
Lieut Comdg

10.

Copy

US Brig Perry
At Loanda
April 17th 1851

Sir

Having addressed the enclosed letter to Comm.r Hanshawe C.B. Comd.r in chief of H.M. Forces on the South coast of Africa, I have the honor to transmit it with a copy of his letter in reply.

I have the honor to be
Very Respectfully, Sir
Your Ob.t Serv.t
(Signed) Andrew H Foote
Lieut Comdg

Hon. William A Graham
Secretary of the
Navy
Washington
D.C.

11.

(Copy)

U.S. Brig Perry
off Ambriz
West Coast of Africa
April 11th 1851

Sir

Will you do me the favor to inform me whether any suspected vessels bearing the American flag, have been seen on the South Coast, by the cruizers under your Command, since the Capture of the American Brigantine Chatsworth by this vessel on the 10th Sept 1850.

Will you also favor me with your views as to the present State of the Slave trade on this Coast.

I have the honor to be, Sir
Very Respectfully
Yr ob Servt

(Signed) Andrew H. Foote
Lieut Comdg

To
Commr Arthur Fanshawe C.B.
Comdr in Chief of
H.M. Naval Forces
Coast of Africa.

Her Britannic Majesty's Ship
'Centaur,' at Loando.
17th April, 1851.

Sir,

In Reply to your letter of the
4th Instant Requesting me to inform you
whether any Suspected Vessels bearing the
American Flag have been seen on the
South Coast by Her Britannic Majesty's
Cruizers under my Orders, since the Capture
of the Chatsworth by the Perry in September
1850, and also to favor you with my
Views as to the present state of the Slave
Trade on this Coast.

I beg to acquaint you, that
the only Report I have received of a
Suspected Vessel, under American Colors
having been seen on the South Coast since
the date you have named, was from Her
Majesty's Steam Sloop 'Cyclops', of a
Schooner Shewing American Colors having
approached

Lieutenant Andrew H Foote,
Commanding
820 the United States Brig 'Perry'.

approached the Coast near Old Benguela Head; and which Vessel, when Commander Cumming landed subsequently, was reported to him by the people on shore, to have shipped Slaves near that place.

Your enquiry applies only to the South Coast, but it will not be irrelevant to the general subject and object for which we are co-operating, if I add that the Schooner "Bridgetin" of Philadelphia, under the American Flag, was visited by Her Majesty's Steam Sloop "Prometheus" off Sagor, on the 22d August, under circumstances causing much suspicion, but with papers which did not warrant her seizure by a British Cruizer; and that I have since received information from Her Britannic Majesty's Consul at Rabba, that the same Vessel landed 500 Slaves there, on Debodor.

I also take this opportunity of bringing under your notice another American Vessel, which I observed at Sierra Leone under the American Flag, and which was reported to me by the Authorities there, as being to all appearance a legal Trader, with correct papers, but whose real character and ultimate object I have since had much reason to doubt.

I enclose you a copy of the

the formal entry of this Vessel, the "Jasper" at the Port of Sierra Leone. From which you will observe that her Cargo was shipped at the Havannah, and that in the Manifest are "Shooks" and heads for water Casks. and that she had on board 3 passengers. these passengers were Spaniards. The "Jasper" stayed a short time at Sierra Leone, disposed of some articles of her Cargo for Cash, and left for Monrovia. On proceeding a few days afterwards on the "Centaur" to that place, I found she had disposed of more of her Cargo there, also for Cash, and was reported to have proceeded to the Seward Coast, and I learnt from the best Authority, that of the passengers one was recognized as being a Spanish Slave dealer who had been expelled from Cape Town, in 1849, by President Roberts; and that the other was a Spanish Merchant Captain and Supercargo, and that the American Captain had spoken of his position as being very independent.

On the 2d Subject my view of the present State of the Slave Trade on the South Coast:-

It is formed on my own observation of the line of Coast from Cape St. Paul's to this Port, and from the reports which I have received from the Captains of the Division and

and the Commanders of the Cruizers under my orders, as well as from other well informed persons on whom I can rely, that it has never been in a more depressed state - a state almost amounting to suppression - and that this arises from the active exertions of Her Majesty's Squadron, on both sides of the Atlantic - and the cordial co-operation which has been established between the Cruizers of Great Britain and the United States on this Coast, to carry out the intention of the Treaty of Washington - and latterly from the new measures of the Brazilian Government.

Factories have been broken up at Lagos, on the Congo and at Ambriz - at Loanda, tho' of it, I need hardly speak, because your own observation during the past year, must satisfy you of the present state of depression there.

The Commencement of last year was marked by an unusual number of Captures by Her Majesty's Cruizers both on the Brights and on the South Coast - and also, those by the Cruizers of the United States - this year, the Capture of only one Vessel equipped in the Brights, and one with Slaves (a transported Sardinian) on the South Coast have been reported to me -

a striking proof of my view.

The desperate measures also adopted by the Slave dealers in the last few months to get rid of their Slaves by the employment of small Vessels formerly engaged in the legal and Coasting trade, as marked by the Capture of the -

"Vinte cinco de Setembro" with Slaves by the "Flying Fish" -

"Veiga" with Slaves, by "Cyclops" -

"Revalé" (built at the Dande) run on shore to escape Capture by the Sealark being fully equipped -

"Friente" escaped with Slaves, but captured on Coast of Brazils -

prove the difficulty to which they have been driven.

The barracoons however along the whole line of Coast are still reported to me to contain a great number of Slaves to ship whom, I have little doubt further attempts will be made.

Most satisfactory, on the whole, as this state of things may be considered - Still, I hope it will not lead to any immediate relaxation of either our efforts or our co-operation; but that a vigilance will be observed for a time sufficient to enable a legal trade

trade to replace the uprooted Slave trade,
and disperse the machinery (I may say)
of the Merchants connected with it, and
prevent any resumption of it by them.

I have the honor to be

Sir,

Your most obedient
humble Servant

Thos Fanshawe

Commodore and
Commander in Chief

Commo Fanshawe
&c Cape Town
Apl 17/51

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(Copy) 12

Her Britannic Majesty's
S. Ship "Centaur"
at Loanda
17th April 1851

Sir

In reply to your letter of the 11th inst, requesting me to inform you whether any suspected vessels bearing the American flag have been seen on the South coast by Her Britannic Majesty's Cruizers under my orders, since the seizure of the Chatsworth by the Perry in Sep 1850; and to favor you with my views as to the present state of the Slave trade on this coast.

I beg to acquaint you, that the only report I have received of a suspected vessel, under American colors having been seen on the South coast since the date you have named, was from Her Majesty's Steam Sloop "Rattler", of a Schooner shewing American colors having approached the coast near Old

Lieutenant
Andrew H. Foote
Commanding
The United States Brig Perry

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old Benguela Head, and which vessel, when Commander Cumming landed subsequently, was reported to him by the people on shore, to have shipped slaves near that place.

Your enquiry applies only to the South coast, but it will not be irrelevant to the general subject and object for which we are cooperating, if I add that the Schooner "Bridgeton" of "Philadelphia", under the American flag, was visited by Her Majesty's Steam Sloop "Prometheus" off Lagos, on the 22d August, under circumstances causing much suspicion, but with papers which did not warrant her seizure by a British Cruizer; and that I have since received information from Her Britannic Majesty's Consul at Bahia, that the same Vessel landed 300 slaves there in October.

I also take this opportunity of bringing under your notice another American Vessel, which I observed at Sierra Leone under the American flag, and which was reported to me by the authorities there, as being to all appearance a legal trader, with correct papers, but whose real character and ultimate object I have since had much reason to doubt.

I enclose you a copy of the formal entry of this Vessel, the "Vasper" at the Port of Sierra Leone, from which you will observe that her cargo was shipped at the Havannah, and that in the Manifest are "Shooks" and heads for water casks - and that she had on board 3 passengers - these passengers were Spaniards, The "Vasper" stayed a short time at Sierra Leone, disposed of some triples of her cargo for cash, and left for Monrovia - on proceeding a few days afterwards in the "Centaur" to that place, I found she had disposed of more of her cargo there, also for cash; and was reported to have proceeded to the leeward coast, and I learnt from the best authority, that, of the passengers one was recognised as being a Spanish Slave dealer who had been expelled from Trade Town, in 1849, by President Roberts; and that the others were a Spanish Merchant Captain and Supercargo, and that the American Captain had spoken of his position as being very indefinite.

On the 2d Subject My view of the present state of the Slave trade on the

South

South coast, It is formed on my own observation of the line of coast from Cape St. Pauls to this Port, and from the reports which I have received from the Captains of the Divisions and the Commanders of Cruizers under my orders, as well as from other well informed persons on whom I can rely, that it has never been in a more depressed state - a state almost amounting to suppression - and that this arises from the active exertions of Her Majesty's Squadron, on both sides of the Atlantic - and the cordial Co-operation which has been established between the Cruizers of Great Britian and the United States on this coast, to carry out the intention of the Treaty of Washington - and latterly from the new measures of the Brazilian Government.

Factories have been broken up at Lagos, in the Congo and at Ambriz - at Loanda, tho' of it, I need hardly speak, because your own observation during the past year, must satisfy you of the present state of depression there.

The Commencement of last year was

was marked by an unusual number of captures by Her Majesty's Cruizers both in the Bights and on the South Coast and also by those by the Cruizers of the United States. This year the capture of only one vessel equipped in the Bights, and one with slaves (a transfered Sardinian) on the South Coast have been reported to me - a striking proof of my view.

The desperate measures also adopted by the Slave dealers in the last four months to get rid of their slaves by the employment of small vessels formerly engaged in the legal and coasting trade, as marked by the capture of the "Vinte Cinco" de Setembro" with slaves by the "Flying Fish"
"Niga" with slaves, by "Cyclops"
"Rivale" (Quiet at the Dande) run on shore to escape capture by the "Sea Lark" being fully equipped,
"Orientes", escaped with slaves, but captured on coast of Brazil,
prove the difficulty to which they have been driven.

The barracoons however along the whole line of coast are still reported to

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to me to contain a great number of slaves, to Ship whom, I have little doubt further attempts will be made.

Most Satisfactory on the whole, as this State of things may be considered - still, I hope it will not lead to any immediate relaxation of either our efforts or our co-operation, but that a vigilance will be observed for a time sufficient to enable a legal trade to replace the uprooted slave traffic, and disperse the Machinery (I may say) of the Merchants Connected with it, and prevent any resumption of it by them.

I have the honor to be
Sir
Your most obedient
humble Servant
(Signed) Arthur Fanshawe
Commodore and
Commander-in chief

18.

(Copy)

U.S. Brig Perry
Loanda May 7th 1851

Sir

On my first arrival with the U.S. Brig Perry to this South Coast of Africa, more than a year since you kindly furnished me by request with a list of vessels bearing the American flag, which had the year previously visited this Port, and several of which vessels were subsequently transferred and shipped Cargoes of Slaves for the Brazils.

Your judicial position and long residence here enable you to form a reliable opinion on the past and present state of the Slave trade together with the measures respectively adopted for its suppression.

Will you therefore favor me with your views on the subject.

I have the honor to be
Very Respectfully, Sir
Yr. Ob. Servt
(Signed) Andrew H. Foote
Lieut. Comdg

Sir George Jackson K.C.B.
H.B.M. Commissioner
Under the Treaty with Portugal
For the Suppression of the Slave Trade

(Copy)

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Loanda
15th May 1851

Sir

I have the honor to acknowledge the receipt of your letter of the 7th instant, in which, refering to my official position and long residence here, you request my opinion on the past and present State of the Slave trade, and of the Measures respectively adopted for its Suppression.

From the time I left your magnificent and interesting Country, I have been mostly engaged, as H.M. Commissioner in the Mixed Courts at Sierra Leone, Rio de Janeiro and for the last 6 years nearly - at this place; but in all that long period, the present is the first occasion where I could have answered your enquiry with any satisfaction. - When you did me the honor of calling upon me on your first Arrival here in March 1850, I welcomed you with those feelings of pleasure, which the recollection

of

Anderson H. Foote Esqr
Lieutenant Commanding
US Navy.

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of kindnesses received in your country will ever excite in my breast at the sight of an American, but I was far from anticipating those benefits, in a public point of view, to the cause in which we both take so deep an interest which, I am happy to say, have resulted from your appearance and that of other Vessels of the U.S. Navy on this coast which shortly followed you. — During the 4 years preceding your arrival, I did not see and scarcely heard of one single American Officer on this station. The "Marion" and the "Boxer" did indeed, if I recollect right, anchor once or twice in this harbour, but they made no stay in these parts; what was the Consequence? —

The Treaty of Washington proved almost a dead letter; as regarded one of the Contracting parties, and the abuse of the American flag became too notorious in prosecuting and abetting the Slave trade to make it necessary for me to refer further to it, more particularly in addressing one who himself witnessed that abuse when at its height.

The Zeal and activity displayed by yourself and Brother Officers, and the seizures which were the result of them, at once changed the face of things. The actual loss which the traffic

traffic has sustained, and still more the dread of those further losses which they anticipated on seeing the U.S. Squadron prepared to confront them at those very haunts which they had been accustomed to repair to with impunity, and determined to vindicate the honor of their insulted flag which they had too long been allowed to prostitute, struck terror into those miscreants on both sides of the Atlantic. — And from the date of those very opportune captures not a vessel illicitly assuming American colors has been seen on the coast, and, as it was upon the abuse of that flag, aided by the facility which the System of granting sea letters afforded, that the Slave traffic has mainly relied for the prosecution of their nefarious traffic, the suppression of that abuse by the joint exertions of Her Majesty's Squadron with that of the United States has given a blow to the Slave trade which — combined with the change of policy on that subject on the part of the Brazilian Government will, I hope and believe, go far, if not to extinguish it altogether, at least very materially to circumscribe and paralyze its operations.

The effect of what I have above stated has — as you know — for some time past shewn itself

itself very sensibly at this place. Money is exceedingly scarce - Slaves hardly find purchasers.

Failures of men who have hitherto figured as among the chief Merchants of this City have already occured, and others are anticipated, and a general want of Confidence prevails.

We must not however allow ourselves to be deceived either by our own too sanguine expectations, or the interested representations of others. The enemy is only defeated - not subdued. - On the slightest relaxation on our part, he would rally, and the work would have to be commenced de novo: nor I should say from my knowledge of the Brazils must we reckon too confidently on the continuance of the measures which the Imperial Government appears now to be adopting. - Giving the present administration every credit for sincerity and good intentions, we must not shut our eyes to the proofs which have hitherto been so frequent and so overwhelming of the power of the Slave trade interest in that Country. We must act as if we still wanted the advantage of Her Cooperation, and in this view it is that I cannot too forcibly insist on the absolute necessity of the continuance of our Naval exertions, which, so far from being

diminished

diminished, ought as far as possible
I conceive to be still further increased
till this hideous hydra shall be finally
and for ever destroyed. Then, when
its last head shall be cut off, Colonization,
which till then, like other Plans, can
only be regarded as auxiliary to the
great work, may step in and prosper,
and Commerce, dipping her wings
in the gall of the slain monster,
shall rise triumphant.

It would not be becoming in me
in addressing an American citizen, to
do more than testify to the mischiefs
occasioned by the system I have already
alluded to of granting sea letters, but
I should hope that upon due investigation
it would be found very practicable to
deny such letters to Vessels sailing to
the coast of Africa, without at all
interfering with the interest or freedom
of licit trade.

I have thus, my dear Sir, very
imperfectly, I fear, complied with
your request purposely abstaining
from a detailed recapitulation of
those occurrences which, as they took
place

place in these parts, you have yourself been an eye witness to, or with which, if they happened in a more remote quarter, you have had opportunities of being made acquainted from better sources than I can command.

I cannot however quit this subject without indulging in a feeling of gratification if not of exultation, at the singular coincidence or rather, I should say contrast between my present employment and that which occupied me for 11 years in the U. States.-

I was there - associated with your distinguished Countryman Langdon & there engaged in appraising the value of human beings like themselves regarded as mere goods and chattels. - I have been since that time chiefly occupied in restoring that same unhappy class to freedom and to their natural rights, and in giving effect, to that increasing and disinterested perseverance in this righteous cause on the part of my Government and Country which will form one of the brightest pages in its history. - Glad am I to think that the U States are disposed to join heart and

hand with Great Britain in so blessed an undertaking; And oh that I could hear my ci-devant and much respected Colleague sympathise with me in this feeling, and know that his powerful voice and energies were exerted in the same Cause. -

I have the honor to sign myself
Very Respectfully
And with all Truth
My dear Sir
Yr. Ob. Friend & Servt
(Signed) Geo. Jackson

(Copy) 26

US Brig Perry
Loanda (Ang) 18th 1851

Sir

Having been stationed on the South Coast, with the US Brig Perry, since joining the African Squadron with the exception of once proceeding to Porto Praya to replenish our Provisions, and considering that information on the past and present State of our Commerce, and the use of our flag in the Slave trade, may be desirable to a Commander who is about to enter upon his duties here, I enclose herewith a paequet giving all desirable information in point up to the period of our sailing for Porto Praya on the 1st Dec. 1850, which paequet was also left here at the departure of the Perry at the above date.

During this present Cruise, I find that the Slave trade is languishing, in fact almost suspended, And its Merchants Mostly have become bankrupt, Certainly our flag has not for several months at all been used in the

To the Commander of Any
US Vessel
818 South Coast of Africa

the traffic, And it is not only my own, but the impression of others, And even those who are interested in the prosperity of the trade, that so long as we have a force here, our flag will not be used in the traffic.

Our Cooperation with the British Cruizers is Cordial and harmonious — nothing having occurred to interrupt it during the present Cruise.

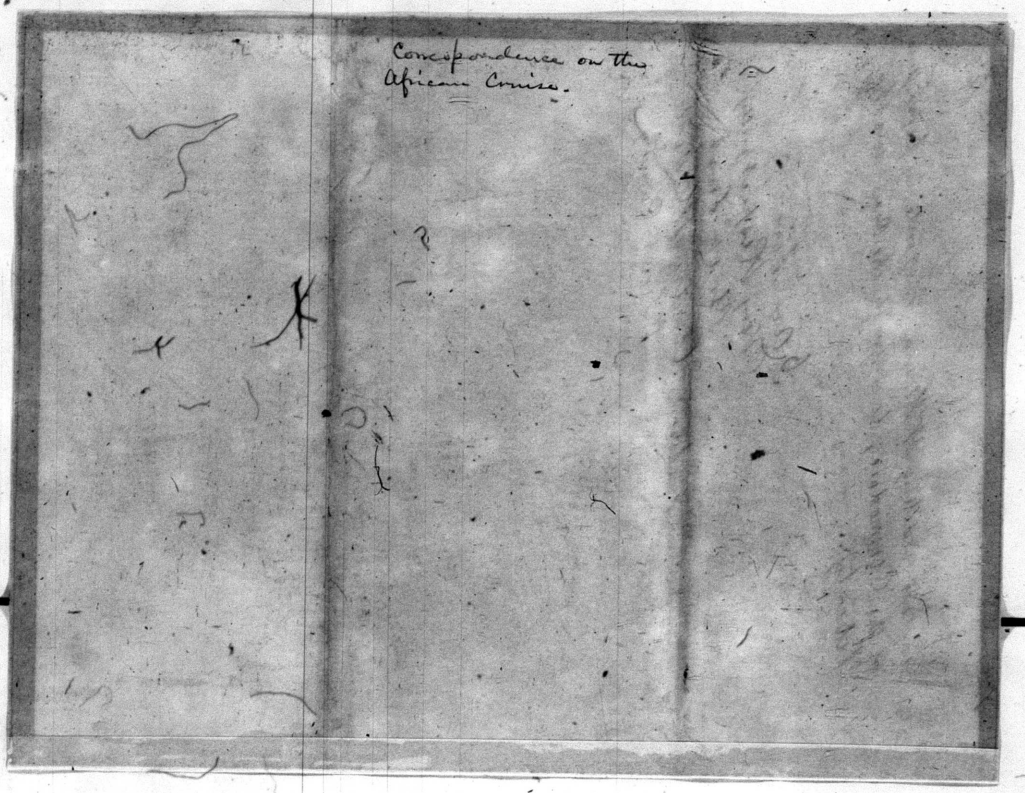
I have Closely examined all parts of the Coast from Loango North, to Elephant Bay South, boarding all Vessels, made at sea.

The head of the American House here, informs me that the presence of our Men of War, have had a salutary effect upon his interests, formerly there were many Vexations detentions in the Clearances of Vessels, Prohibition of visiting Vessels &c. which are now removed, Having no Consul or any public functionary on this Coast, he says that the interests of the House are liable to be jeopardized on frivolous pretexts, in Case a Man of War is known to be withdrawn for any lenght of time.

Having protracted the Cruise as far as our Stock of Provisions will admit — reserving a sufficient Quantity to reach Porto Praya, I purpose sailing for that Port on the 20th instant

instant, visiting St Helena, en route, by permission of the Commodore, to refresh the Crew with liberty.

I Am Sir
Very Respectfully
Yr obt Servt
(Signd) Andrew H Foote
Lieut Comdg


Correspondence on the
African Cruise.

Manuscript 820-21 relocated 5/31/84 AW

Manuscript #822 released 5/3/64. AEC

Manuscript #523 relocated 6/4/84 AW

U.S. Brig Perry
Loanda May 17th 1857

Passage from the Cape de Verds to the S.W. Coast of Africa, with remarks upon that Section of the Coast.

In the Season of February, March, April and May, there is no difficulty in making the passage from Porto Praya to Ambriz in thirty days, provided the run from Porto Praya to Monrovia takes not more than eight days,

The direct route and that which approaches the great Circle leads along the Coast, touching the outer soundings of St Ann's Shoals, thence to Half Cape mount, to allow for a Current when steering for Monrovia. From there, following the Coast along with the land and sea breezes assisted by the Current until you arrive at Cape Palmas, Keep upon the S.W. Jack notwithstanding the wind may lead you in Shore, (the land breeze will carry you off) And as the wind permits haul up for 2° West Longitude Cross the Equator. Here if Convenient, but I would not recommend going to the Westward of it, You will encounter Westerly Currents from thirty to fifty miles a day, In the Vicinity of Princes Island the S.W. wind is always strong, In the Latitude of about 1° 30' S

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130 ft there is no Current, should it not be practicable to weather the Island of St Thomas Stand on, Approach the Coast, and you will meet with North winds to carry you directly down the Coast - Our Salem Vessels make the passage from the US in 56 days arriving at Ambriz in May - I have made three different Cruises to this Coast in the same Season in the Marion, John Adams, and Perry. The impulsive desire to attain the object of our duty will as much in Nautical Matters as others, Mislead our better judgment when there is a prospect or Any temptation to success without experience to forewarn us. Thus our Vessels after arriving at Cape Palmas have Generally gone upon the Port Tack, because the wind Carried them towards the Coast or Gulf of Guinea, And Seemed to favour them for the Port Tack the most, which on the Contrary although Slowly Veering towards the S.E. was hauling more a head and leading them off into a Current which [illegible] a heavy Press it is impossible to work against, the Consequence were they had to go upon the Stb. Tack and retrace the ground gone over - On the Stb. Tack as you proceed Easterly the action of the Land is the reverse and it allows you to pursue the Great Circle Course - It employed the Marion eighty odd days

days to Kabenda, a port 200 miles nearer than Ambriz to which port from Monrovia in this Vessel (the Perry) we went in 23 - making 31. from Porto Praya - In the John Adams 10 to Monrovia, and 46 to Ambriz by the way of Princes Island about ten of which, the vessel was lost working to the South of Cape Palmas, In Standing to the Eastward the Currents are with you, and "vice versa",

The Practice along the Coast in this vessel (the Perry) was to keep near enough to the Land to have the advantage of a Land and Sea breeze, and to drop a Kedge whenever it fell Calm or we were unable to Stem the Current, Upon this part of the Coast near the Congo the lead line does not always shew the direction of the Current which affects the Vessel, On the bottom there is a Current in an opposite direction from the Surface, therefore before dropping the Kedge the better way is to lower a boat And Anchor her - which will shew the drift of the Vessel, Between Ambriz and the Congo I have seen the under Current so Strong to the S.E. as to Carry a 24 lb lead off of the bottom while the Vessel was reaching to a Strong S.W. Current - but the Under Current is the Strongest.

On crossing the Congo, I wooed

Always

always suggest crossing close to its mouth, night or day. Going north, with the wind W.N.W. steer N.N.E with a 5 or 6 knot breeze, when you strike soundings on the other side you will have made about a N ½ E course in the distance of 9 miles by log from 11½ fths off Shark Point. The current out of the river sets west about 2 knots the hour. With the land breeze it is equally convenient, and may be crossed in two hours— In crossing from the North— with Kabenda bearing N.E in 13 fths or from the Latitude of 5° 48' wind S.W. a S.S.E. course will carry you over in four hours outside of Point Padron— and by keeping along shore the current will assist you in going to the South; Vessels which cross to seaward from Lat° of 5.45' and 9° W are generally six days or more to Ambriz, by the former method it occupied us (the Perry) only two days.

Very Respectfully
W. D. Porter
Lieut.

Andrew K. Long
Lt. Comdg.

Notes on South Coast.
May 17th 1841.

May 20, 1851

General Order No. 1.

1st. Having been directed by the Secretary of the Navy to to assume the command of the Naval Forces of the United States, stationed on the Coast of Africa, I deem it proper to make known to the Officers, Seamen, marines, and others thus placed under my orders, the principles by which I shall be governed in the discharge of this high trust.

2. To a due preservation of the strictest discipline, it is the intention of the Commander in Chief to direct his attention, and to the attainment of this end, he asks and expects the cordial co-operation of all under his command.

3. Discipline being established and the Squadron kept ready in all respects, and at all times to maintain the honor of the Flag, it will be a source of pleasure to the Commander in Chief to grant to all under his command such indulgences as may be consistent with these primary objects.

4. The Act for the better government of the Navy, approved 23d April 1800 is so comprehensive in its provisions, and so clear in its treatments, that a perfect acquaintance with it, cannot fail to inspire in the most salutary manner on every person in the Navy, whatever may be his rank or station a due sense of his responsibilities - it is expected then that it will be well understood and implicitly observed.

5. All inferiors are required to to respectfully and unhesitatingly obedient to their superiors, and superiors are reminded that firmness accompanied by mildness is always more conducive to discipline than harshness in any of its forms — All violations of Law will be noticed and punished as the Law itself provides — And I take this early occasion as well in obedience to instructions from the Secretary of the Navy, as in expression of my own views — to make known that the crime of duelling is especially prohibited and will in no circumstances be overlooked. —

6. All returns reports and communications from officers and of the Squadron, intended for the Secretary of the Navy, or for the Commander in Chief, are to be sent unsealed to their immediate Commander, who will forward them to the Commander in chief, with such remarks as he may deem proper; but a Commander may when separated from the Commander in Chief if the public interest requires, make a direct communication to the Department, sending a copy of his communication with his reasons for making it, by the earliest opportunity, to the Commander in Chief —

7. Officers and all others attached to the Squadron are especially forbidden to communicate either directly or through their friends, or agents for the public prints in the United States, or elsewhere any intelligence of the movements of the Squadron, or of the discipline or internal police of any Ship thereof. The Navy Department reserves to itself the right of judging of the propriety of giving to the public information in relation to the character or conduct of the Squadron, any infringement of that right would be highly disrespectful to the Head of the Department, and it is hoped and believed that there will be no instance of it by any under my Command. —

9. Should it become necessary to report officers or men, for illegal or improper conduct, the immediate Commanding officer of the one complained of, will take care that the report, (accompanied by the explanation of the person complained of) is made with the formality and precision necessary to enable the Commander in Chief to act upon it promptly and advisedly. —

10. Decorum of language and deportment so essential to the dignity of the profession of Arms, is enjoined on all, not only in their official intercourse with each other, but in all circumstances, and in their intercourse with all classes and descriptions of persons — let it always remembered that every officer is in a degree, the representative of his Country, and holds in his keeping a portion of its honor —

Geo. F. Pearson
Commanding African Squadron

Lieutenant Commanding Foote
Commanding U.S. Brig Perry
U. Ship Germantown
Harbor Porto Praya
May 20th 1857

Comite de l'ordre
Discipline No 1.

General Order No. 2.

1st. The crews of the Ships of the Squadron are to be exercised at quarters as frequently as other indispensible duties will permit, and care must be taken to secure from the Officers and men, the greatest attention to every particular which may tend to increase and perfect their skill and expertness in the management of the Cannon, and other arms — the whole of the ships company are to be taught the use and management of the muskets, and to be encouraged in learning the boardsword exercise. —

2. All the Shot are to be taken from the lockers, at least once in six months; and cleaned if necessary, and a report made to me of their number, and conditions. —

3. A report to be made to me of the quantity of powder on board, on the first of each month. —

11. The chain Cables are to be examined and a report made to me once in six months as by the annexed form marked (A) every link is to be carefully examined. —

5. Quarterly reports of the expenditure of stores on board of each vessel of the Squadron, and of the quantities on board, are to be made to me. —

6. Quarterly reports of punishments must be made as by form annexed (B)

7. Abstract returns of Officers and others, with reports of deaths, desertions, transfers and discharges, must be made at the close of each month. —

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8. The quarterly Muster and Pay Rolls and all returns and reports which are required by the regulations or general Orders, must be made up as soon as practicable, after they are due, and forwarded to me by the earliest opportunity.

9. Hammocks when in port are to be scrubbed on the 1st and 15 day of each month if fair, if not, on the next fair day, but if the 1st or 15th should be Sunday, then, on the 2d and 16th if fair. Tuesdays, Thursdays and Saturdays in Summer, and Tuesdays and Fridays in Winter, shall be the general washing days in Port. no clothes except in wet weather, or on general scrubbing days, shall be left hanging in the rigging after the Colors are hoisted.

10. Every ship in the Squadron is directed to follow attentively the example of the Ship bearing the Pennant of the Commanding Officer, in the manner of tricing up hammocks and cloths, and in all matters which will give uniformity to the motions and appearances of the Squadron

11. When, in Port it is deemed proper to row guard, a Ship will be designated for that purpose by the signal from the Flag Ship, immediately after the setting of the Colors in the morning — the Ship so designated will have the guard for the next twenty four hours, and will immediately hoist and keep up until relieved, the Guard Flag at the Fore, and send the Lieutenant of the Guard to the Commander in Chief for particular instructions — A Lieutenant is always to be in charge of the guard if possible and the Officer detailed for the guard is not to be changed during the twenty four hours, except in cases of urgent necessity.

Form (A)

Pursuant to an order from Capt A. B. we the undersigned have held a strict and careful survey of the Chain Cables on board the U. S. Ship — and make the following report of our proceedings —

Description of Cables or Size	Quantity in fathoms on board	When and where supplied	Date of last survey	Whether the lengths have been transposed	Whether the links have been sounded	Quantities in fathoms on board	Their Condition

and we declare that we have performed this duty with the strictest care and attention. —

Dated on board the U. S. Ship — this — day of — 185 —

Signed A B
" C. D.
" E. F.

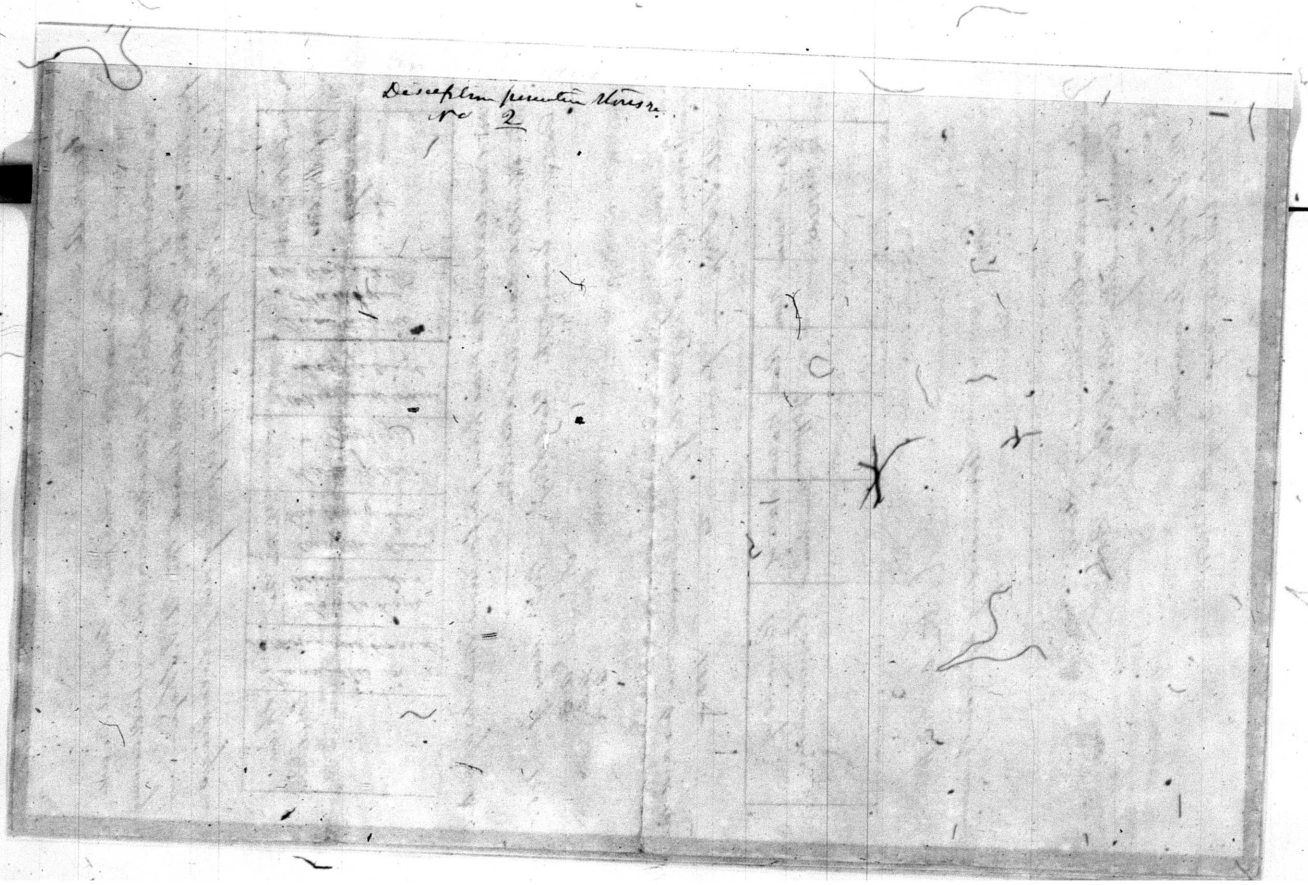
Form (B.) Schedule of punishments on board the U. S. Ship — from — to — 185 —

No. of Warrant or order	Name	Rate	Nature of offence	date of punishment	Remarks of Commander

E. A. F. Lavallette
Commanding African Squadron

Lieutenant Commanding Foote
Commanding U. S. Brig Perry

U. S. Ship Germantown
Harbor Porto Praya, May 20th 1851.



General Order No. 3.

1st. Commanders of vessels will require their respective Pursers to conform strictly to the regulations for the government of Commanders and Pursers as prescribed by the Offices of the Treasury, and issued by the Secretary of the Navy, 6th January 1838 — and especially to forms and directions for the Muster and Pay Rolls, and to the separation of amounts paid by the Purser in "Slops" "money" and "small stores"

2. All money which may be placed in charge of the Purser by order of or authority from the Navy Department, or his superior officer, is considered as belonging to the Government, and no such money is to be paid away or used by him without a written order from his Commanding Officer. —

3. When requisitions for money are presented or transmitted for the approval of the Commander in Chief, they must be accompanied by a statement approved by the Commander of the vessels, of the amount which the Purser may have previously received and expended, and the balance which ought to be in his charge, and showing as particularly as practicable, the objects for which the amounts named in the requisitions will be wanted. —

4 Whenever a Commander of a vessel shall direct or authorize the Purser to make requisitions for money, he will limit the amount to such sums as, with the amount which ought to be in the Purser's charge, will be sufficient for the necessary wants of the service. —

5. No purchases are to be made except in conformity with requisitions previously made and duly approved; and care is to be taken that the Articles are of a proper quality and at fair prices which must be certified on the bills for the same.—

6. Officers who are not indebted to the United States may be paid the amount due them on the last day of each month, when there is sufficient money on hand to do so without interfering with the supplies for the Ships — to such as may be indebted to the United States, no more is to be paid for the first three months after leaving the United States, than may be necessary to meet their indispensible expenses on board — After three months from their leaving the United States, no advances are to be made to Officers, and advances to other persons must be limited strictly to necessaries, until they are out of debt — and must be made only on a written order given at the time by the Commanding Officer.—

C. H. S. Oswald
Commanding African Squadron

Lieutenant Commanding Foote
Commanding U.S. Brig Perry

U.S. Ship Germantown
Harbor Porto Praya, May 20th 1851

Commo L's
"Orders"!

Lt. Orders No 3.

May 20, 1851

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General Order No. 4.

The following orders will be observed in Loosing and Furling Sails, and in Crossing and Sending down Top Gallant and Royal Yards.

Loosing Sails.

The signal and preparatory Pennant are hoisted eight minutes previous to "Loosing Sails", when answered and ready, "Beat the Call", "Aloft Sail Loosers," when ready to lay out hand down the preparatory pennant, and "Rise up" "Lay out and Loose", as soon as the Loosers are ready "Roll off" at the third Roll let fall and haul down the Signal.

Furling Sails.

The signal and preparatory pennant are hoisted eight minutes previous to furling, when answered and ready, "Aloft Topmen" "Lower Yardmen" the Mainpole", when the Topmen reach the footrope stirrups, "Aloft Lower Yardmen", when ready, haul down the preparatory pennant, "Lay out" as soon as the Furlers are in their places, then Furl and haul down the Signal.

Crossing Yards.

The signal and preparatory pennant are hoisted ten minutes previous to "Crossing" when answered and ready, "Aloft Yardmen" send down yard ropes and stand by to receive, when ready, "Sway out" the Chains, allow the upper Yardarms to clear the Caprine "Then Beat the Call" "Sway Aloft", when ready for Crossing, haul down the preparatory pennant and "Roll off" at the third Roll, haul down the signal and Sway Aloft.

Sending down Yards.

The signal and preparatory pennant are hoisted ten minutes previous to "Sending down" when answered and ready, "Aloft Yardmen" as soon as ready "Aloft", "Beat the Call" and send down yard ropes and stripping lines — When ready on deck haul down the preparatory pennant and "Roll off", at the first Roll "Lay out" of stripping lines; at the third Roll "Sway" and haul down the signal.

Note.

When these evolutions are not directed at the setting or hauling down of the Colors, the routine will be followed without the music.

In Hauling from a Boarline the men are to be laid Aloft in their places on the Yards, before the Clewlines or Buntlines are started.

C. A. L. Lavallette
Commanding African Squadron

Lieutenant Commanding Forte
Commanding Chet Brig Perry

U.S. Ship Germantown
Harbor Porto Praya, May 20th 1857

General Order No. 5.

The following boat salutes, and marks of respect, are directed to be observed by all under my Command.

1st Captains and Commanders meeting the Pennant of the Commander in Chief, will lie upon, all other officers will toss, their oars.

2d Lieutenants and other Commissioned officers meeting the Pennants of Captains or Commanders will lie upon, and Warrant officers will toss their oars.

3. Warrant officers in meeting the boats of Lieutenants or other Commissioned officers, will lie upon their oars.

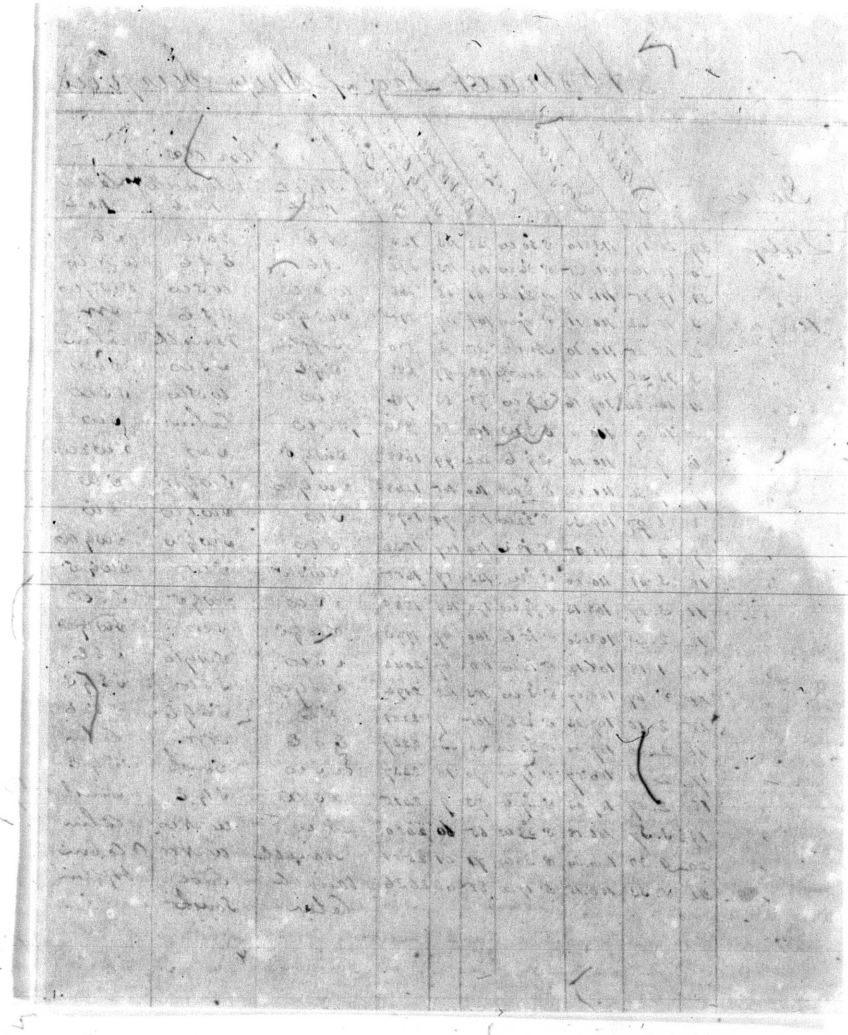
4. Officers of corresponding rank, meeting, or passing in boats, will salute by raising their hats or caps.

5. When boats approach the same ship, wharf, or landing place, at or about the same time, the Junior will lie upon his oars, and allow the Senior to precede him.

6 When boats are rowing the same way, the Junior officer must not pass ahead of his Senior, unless upon urgent duty. When boats are without officers, Coxswains will observe the foregoing orders.

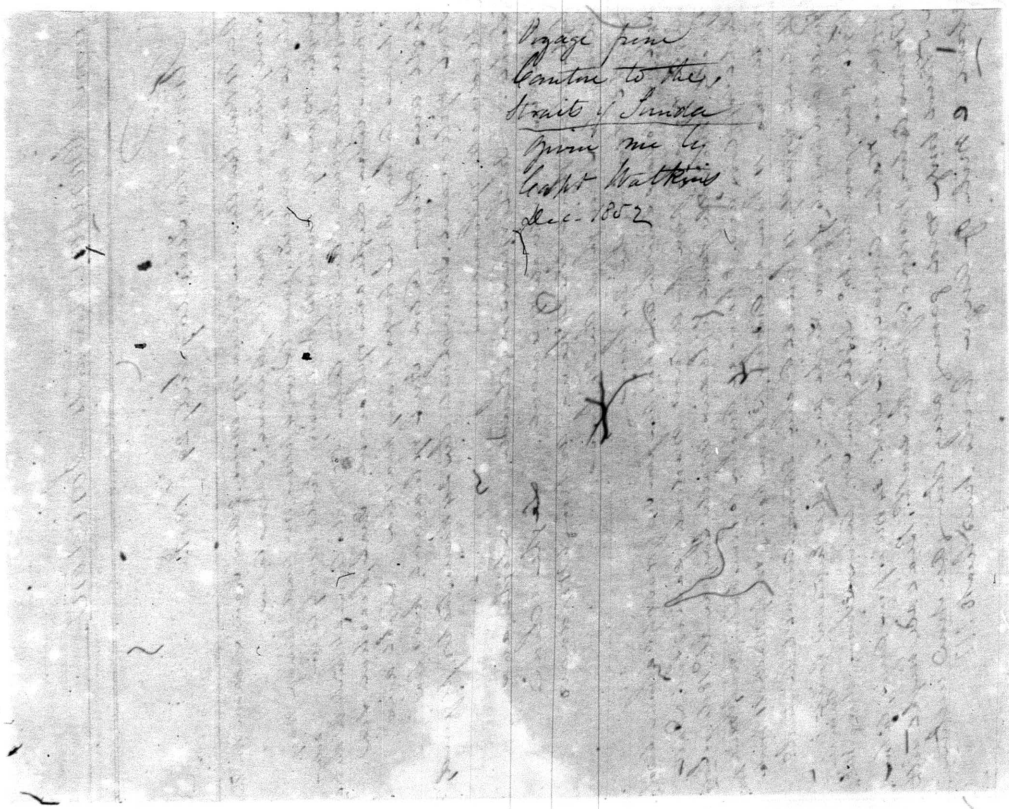
Chas. Lavallette
Commanding Officer Squadron

Lieutenant Commanding Foote
Commanding U.S. Brig Perry
U.S. Ship Germantown
Harbor of Praya May 20th 1857



Abstract Log of Ship Surprise from Canton towards London

Date		Latitude	Longitude	Course	Dist pr Log	Dist by Obs	Total Distance	Winds First part	Winds Middle part	Winds Latter part	Remarks Tuesday July 29th 1851.
July	29	20.19	113.10	S 30° W	123	123	123	NE	East	SE	At 11 AM the Steamer left us off Macao. 2 PM Grand Ladrone bore East
"	30	18.16	111.35	S 36° W	149	153	272	NE	ESE	WNW	First part squally, middle pleasant. 3 hours calm
"	31.	17.15	111.11	S 21° W	94	66	366	WNW	WSW	SWbyW	Light airs middle part calm. 4 hours one under steerage way.
August	1	15.22	110.11	S 27° W	149	127	515	SWbyW	SSE	SW.	Light & squally. Middle part rainy. Ends nearly calm
"	2	15.25	110.10	North	65	3	580	Baffling	Variable	Calm	Light airs & part of the time calm. 55 miles Current to the Northd [illegible] 2 days
"	3	13.46	110.10	South	108	99	688	SbyE	SSW	SW	5 hours calm, Light airs & pleasant. Fine, head beat sea
"	4	12.24	109.56	S 9° W	98	83	786	SW	WSW	SSW	3 hours calm. Fine breeze heavy head sea. Light airs
"	5	10.57	110.11	S 3° W	100	88	886	SSW	Calm.	SW	Light airs 8 hours calm. Fine & pleasant. head sea
"	6	9.20	110.14	S 9° E	202	99	1088	SWbyS	SW	SWbyW	Fine & pleasant throughout the 24 hours tacked frequently
"	7	7.36	110.00	S 8° W	160	105	1248	SWbyW	SWbyW.	SW	Moderate & pleasant
"	8	6.29	109.33	S 22° W	110	74	1398	SW	SWbyW	SW	Light. Fine & passing clouds. Light airs
"	9	4.47	110.05	S 18° E	124	107	1522	SW	SWbyW	SWbyW	Light airs Moderate & pleasant. Light & clear
"	10	3.49	110.00	S 5° W	133	59	1655	SW½S	SW	SWbyS	Light throughout the 24 hours. Working to Windward
"	11	3.29	108.13	S 79° W	[illegible]	[illegible]	1833	SSW	SWbyS	SSW	Moderate throughout the 24 hours.
"	12	2.23	108.30	S 15° E	160	69	1993	SWbyS	SW	SWbyS	Light during the 24 hours
"	13	1.18	108.14	S 14° W	110	67	2043	SSW.	SWbyW	SSE	Light. it is 10 days since the wind has been from SW to WSW & SWbyS. almost dead ahead
"	14	S. 49	108.07	S 3° W	155	128	2196	SWbyW	SSW	SEbyS	Light & squally from the Eastward. Moderate. passed Pulo Datto
"	15	2.10	107.13	S 2° E	105	81	2201	SE	SEbyE	SE½E	Squally. Middle part light airs. Made Gaspar Isld 18 days. from
"	16	2.40	107.00	S 23° W	60	33	2267	ESE	NW.	Calm	Light baffling airs. 8 hours at Anchor 10 hours beating & only made 9 miles
"	17	2.56	106.57	S 17° W	70	10	2337	SSW	South	SbyE	Light airs 11 hours at Anchor 13 hours beating & only made 11 miles
"	18	2.57	107.03	S 47° E	73	9	2410	SSW	SbyE	South	Moderate & squally. 10 hours at Anchor. Strong Current to the Northd
"	19	3.57	106.58	S 38° W	65	60	2480	NW	WNW	Calm	Squally with showers of rain. Light airs. passed Entrance Point
"	20	4.30	106.34	S 36 W	71	41	2551	Variable	WNW	Calm	Light airs from the Nd. Light from SW. Calm 3 hours. Strong Nth Current
"	21	5. 33	106.15	S 17° W	85	66	2636	Variable	East	baffling	Light airs & calm. Current to the Northd. 34 miles from Anjer, calm
								Calm	South		5 Hours calm, Moderate from the Southd. Beat all night with a 5 Knot breeze & not gaining any thing Anchored within about 2 miles of Anjer Roads. hard luck!!!


Voyage from
Canton to the
Straits of Sunda
Journal kept by
Capt. Walker
Dec. 1852

(Copy)

H.M.S. Brig Perry
Porto Grande - St Vincent
29th Sept. 1838.

Sir

I have received your letter of this instant in reply to my letter of this days date asking by what Authority you denounced the American Brigantine "Louisa Beaton" to the Governor General of these Islands, also the grounds upon which upon suspicions of the illegal character of that Vessel were founded.

I regret that you do not feel at liberty to disclose the Authority upon which you acted in denouncing the American Brigantine "Louisa Beaton" for I am at a loss with the hope that you would in a measure be able to relieve yourself of an act of interference in a matter in which you had no concern that chiefly induced me to address you upon the occasion, As however you fail to assign any reason for the act of interference with a vessel belonging to my Government It becomes my duty to apprise you that the Government

Jno Kendall Esq
H.B.M. Consul
St Vincent

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Government of the United States will not permit an Officer of any other Government to interfere officially or otherwise with any Vessel entitled to bear their flag. And I have to suggest to you that hereafter should you have cause to suspect any such Vessel sailing in violation of a Municipal law of the United States, you will content yourself by giving information of the fact to any officer or Agent of the Government of the United States, such officer will at all times be found near your Vessel.

I might here with propriety dismiss this subject, but justice to the Owners of the "Louisa Beaton" requires me further to state that your information, be it from what quarter it may, of the "Louisa Beaton" being engaged in the Slave trade is not entitled to any Credit, And in reference to "the Character and former proceedings of this Vessel" I inform you that the Honble Capt Hastings Comd^g the Southern Division of the British Squadron disavowed to me in September 1840 the act of boarding and detaining the said Brigantine "Louisa Beaton" by another British Cruiser, And also proffered a pecuniary remuneration for the Satisfaction of the Owners of the said Vessel, In reference to which, I declined any Agency deeming it my duty to report the matter, which was accordingly done to the Government of the United States - And further in the month of June 1841 I examined the said "Louisa Beaton" at the Island of St Helena, And now inform you that she was a legal Trader at the date of your Communication affecting her character to the Governor General of these Islands.

I have the honor to be
Your Obt Servt
(Signd) Andrew H Foote
Lieut Comd^g

Copy

British Consulate
St Vincent
30th Sept. 1851

Sir

I have received your letter of yesterdays date, in answer to mine of the same.

Your Will permit me to say, that I cannot acknowledge your right to question my Conduct in the Highest degree, and that when I gave a reply to your first letter, it was a mere act of courtesy upon my part.

The Language, and bearing that you have evinced in your last letter, compels me to inform you, that I decline any further Correspondence, but to remark, that I shall continue the course I have heretofore pursued in denouncing all Slave Vessels that may come in my way. And that I shall not fail to lay a Copy of this Correspondence before my Government.

I Remain Sir
Your Ob.t Servt

(Signed) Jno. Kendall
H. B.M. Consul

To
Lieut. Peck U.S. Navy
Commanding the Brig
of the United States "Perry"
Porto Grande

32d CONGRESS,
2d SESSION.

S. 574.

IN THE SENATE OF THE UNITED STATES.

JANUARY 10, 1853.

Mr. STOCKTON, from the Committee on Naval Affairs, submitted a report, (No. 365,) accompanied by the following bill; which was read, and ordered to a second reading,

A BILL

To organize the Navy of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the commissioned officers of the navy of the United States shall be of the number and the grades following, to wit:

Twenty commodores,

Sixty-eight captains,

Ninety-seven commanders,

Fifty lieutenant commandants,

Three hundred and twenty-five first lieutenants,

Two hundred and five second lieutenants,

Sixty-nine surgeons,

Thirty-four passed assistant surgeons,

Forty-five assistant surgeons,

Sixty-four pursers,

Twenty assistant pursers,

Ten chief engineers,

Nineteen first assistant engineers,

Twenty-nine second assistant engineers,

Thirty-seven third assistant engineers,

Twenty-four chaplains,

And the twelve professors of mathematics now in service: *Provided*, That no professors of mathematics shall hereafter be appointed in the navy. And that the warrant officers shall be the nineteen masters now in service: *Provided*, That no masters shall be appointed or warranted in the service.

Two hundred and two midshipmen,

Forty-one boatswains,

Forty-five gunners,

Forty-five carpenters, and

Thirty-eight sailmakers.

When midshipmen shall have passed their examination, and been assigned to the naval service, they shall be commissioned as second lieutenants; and the number so assigned and commissioned shall not exceed sixty in any one year.

SEC. 2. *And be it further enacted*, That, before any change of the grades or number of officers shall take place, there shall be created a retired list and a permanent furlough list of the navy; for the establishment of which the President of the United States may convene, at the city of Washington, a board of naval officers, to consist of two captains, two commanders, and two lieutenants of the navy, each of whom shall have seen at least five years' sea service in his respective grade.

SEC. 3. *And be it further enacted*, That within six months after said board shall have convened, it shall report to the President of the United States the names of such commissioned officers of the line of the navy as shall appear, upon a careful scrutiny of all such officers, to be incapacitated, disqualified, or incompetent from any cause whatever, for active, prompt, and efficient service, both ashore and afloat, in their several grades; and if the President shall approve thereof, the said officers so reported shall be thenceforth retired, or permanently furloughed from the navy, as the board may determine, and they shall thereafter receive from the treasury of the United States, in lieu of all pay and emoluments theretofore received by them, the several amounts hereinafter specified, which amounts shall be paid to them in the manner and form in which they formerly received their pay.

SEC. 4. *And be it further enacted*, That vacancies on said board may be filled by the President, who shall preserve the aforesaid relative proportion of grades and qualification of sea service.

SEC. 5. *And be it further enacted*, That at the expiration of five years from the adjournment of said board, the President of the United States shall in like manner assemble another similar board, of the three highest grades, which shall proceed

in all respects as aforesaid to make a second retirement of officers as aforesaid.

SEC. 6. *And be it further enacted*, That after said retired and furloughed lists shall have been approved as aforesaid, from the remaining captains, there shall be promoted to the grade of commodore the number specified in the first section hereof; and vacancies thus created in the grade of captain shall be filled from the remaining commanders; and the vacancies in the grade of commanders shall be filled from the remaining lieutenants; and from the grade of lieutenants there shall be created the grade of lieutenant-commandant, and the remaining lieutenants shall constitute the grade of first lieutenant; and all promotions shall be by seniority of commission.

SEC. 7. *And be it further enacted*, That the grades of passed midshipmen and of master shall be abolished; that all masters and passed midshipmen reported by the board for service shall be commissioned, and shall have rank and pay as second lieutenants; but that the duties of master shall continue to be performed by officers of this grade.

SEC. 8. *And be it further enacted*, That it shall be the duty of every commodore to transmit annually to the Navy Department, under such regulations as may be prescribed by the Secretary thereof, a list of such captains as he may, on his honor, deem to possess most professional character, ability, and experience; and it shall be the duty of every captain,

commander, lieutenant commandant, and first lieutenant, in like manner to transmit a list of the officers composing the grades immediately below them respectively; and such lists shall contain, as nearly as practicable, one-fifth of the names of all the officers of the several grades reported upon. The Secretary of the Navy shall scrutinize and compare such lists, ascertain the one-fifth of the officers of each grade who have received the highest number of designations, and annex to their names and lineal rank, in each annual Naval Register, the numbers so received.

SEC. 9. *And be it further enacted*, That the pay of the said officers shall be according to the following rates per annum:

THE SENIOR COMMODORE.

In command of a squadron, four thousand five hundred dollars;

At navy-yard or other duty, four thousand five hundred dollars;

Waiting orders, or on leave less than sixty days, three thousand five hundred dollars;

On leave beyond sixty days, three thousand dollars;

Retired list, two thousand five hundred dollars;

Permanent furlough list, two thousand dollars.

COMMODORES.

In command of a squadron, four thousand dollars;

On other duty, four thousand dollars;

Waiting orders, or on leave not over sixty days, three thousand five hundred dollars;

Leave beyond sixty days, two thousand eight hundred dollars;

Retired list, two thousand two hundred dollars;

Furlough list, one thousand eight hundred dollars.

CAPTAINS.

Sea service, three thousand five hundred dollars;

On other duty, three thousand dollars;

Waiting orders, or leave less than sixty days, two thousand five hundred dollars;

Leave beyond sixty days, two thousand four hundred dollars;

Retired list, two thousand two hundred dollars;

Furlough list, one thousand five hundred dollars.

COMMANDERS.

Sea service, two thousand five hundred dollars;

On other duty, two thousand five hundred dollars;

Waiting orders, or leave less than sixty days, one thousand eight hundred dollars;

Leave beyond sixty days, one thousand seven hundred dollars;

Retired list, one thousand five hundred dollars;

Furlough list, one thousand two hundred dollars.

LIEUTENANT COMMANDERS.

Sea service, two thousand dollars;

At yards or other duty, one thousand eight hundred dollars;

Waiting orders, or leave less than sixty days, one thousand six hundred dollars;

Leave beyond sixty days, one thousand four hundred dollars;

Retired list, one thousand two hundred dollars;

Furlough list, nine hundred dollars.

FIRST LIEUTENANTS.

Sea service, one thousand five hundred dollars;

Other duty, one thousand five hundred dollars;

Waiting orders, or leave less than sixty days, one thousand two hundred dollars;

Leave beyond sixty days, or retired list, one thousand dollars;

Furlough list, eight hundred dollars.

SECOND LIEUTENANTS.

Sea service or other duty, seven hundred and fifty dollars;

Waiting orders, or on leave of absence, six hundred dollars.

SEC. 10. *And be it further enacted,* That officers on the retired and furlough lists shall retain their respective titles on the books of the Navy Department, and they shall not be pre-

cluded, because of such retirement, from receiving pensions to which they may be entitled.

SEC. 11. *And be it further enacted*, That the passed midshipmen and the masters who may be reported by said board for retirement shall not go on the retired or furloughed lists, but they shall be dropped from service by the President, and shall each receive an amount equal to two years' sea service pay.

SEC. 12. *And be it further enacted*, That the President of the United States may at his discretion place upon the retired or furlough list any officer of the aforesaid five grades who may apply for the same.

SEC. 13. *And be it further enacted*, That no commissioned officer of the navy, other than pursers or assistant pursers, shall be required to discharge the duties of purser or assistant purser; and no officer (midshipmen, second lieutenants, and officers acting as judges advocate, excepted) shall be entitled to receive any pay, compensation, or emolument beyond what his rank on the Naval Register may entitle him, for the performance of any duty, in or appertaining to the navy.

SEC. 14. *And be it further enacted*, That officers in command of naval vessels charged by the President with the conveyance of ministers plenipotentiary, envoys, commissioners, agents, or other public functionaries, shall make suitable provision for them; and their proper and reasonable expendi-

tures therefor, under such regulations as the Secretary of the Navy may prescribe, shall be paid to them by the accounting officers of the treasury.

SEC. 15. *And be it further enacted,* That twenty assistant pursers shall be appointed by the President, by and with the advice and consent of the Senate, who shall be detailed for service as the Secretary of the Navy may direct, and this number shall be maintained. No pursers shall hereafter be appointed, but promotions shall be made from the grade of assistant purser to that of purser by seniority of commission; and said assistant pursers shall receive a salary of one thousand dollars per annum.

SEC. 16. *And be it further enacted,* That pursers, chaplains, marine officers, engineers, and their respective assistants, shall be designated staff officers of the navy; and all other officers of the navy shall be considered officers of the line.

SEC. 17. *And be it further enacted,* That surgeons, pursers, and chief engineers of the navy, who have been in commission as such over twelve years, shall take precedence with, but not over, commanders; and surgeons, pursers, and chief engineers less than twelve years in commission shall take precedence with, but not over, lieutenant commandants; and all other staff officers of the navy shall take precedence with second lieutenants, provided that no staff officer of the navy

shall ever take rank or precedence in command over any officer of the line of the navy.

SEC. 18. *And be it further enacted*, That the board of officers to be convened by the President, as aforesaid, shall determine and prescribe the uniform of the personnel of the navy, and report the same to the President of the United States, who may, if he approve the same, cause it to be adopted; and the uniform so approved shall not thereafter be changed but by the said subsequent board and the President's approbation.

SEC. 19. *And be it further enacted*, That when any officer of the navy shall be appointed to perform the duties of judge advocate upon a court-martial, he shall be entitled to additional pay not to exceed five dollars per day, at the discretion of the Secretary of the Navy, for every day so employed.

SEC. 20. *And be it further enacted*, That it shall be the duty of every officer in command of a sloop, frigate, or ship-of-the-line, upon the termination of his cruise, to make a special report to the Secretary of the Navy upon the general conduct of the petty officers, seamen, ordinary seamen, landsmen, and boys, under his command on said cruise, and to designate by name those who are entitled, from their good conduct, to special notice; and, upon such reports, the Secretary of the Navy shall annually select five of said boys who may appear to him most deserving, and send them to the Naval Academy for

education as midshipmen. And to each petty officer, seaman, ordinary seaman, landsman, and boy, so reported for good conduct, (provided that the number so reported from each ship shall not exceed one-tenth of the crew thereof,) the Secretary shall cause to be issued a certificate of conduct and character, in such form as he may prescribe, which certificate shall entitle every petty officer to three months' extra pay, and an appropriate medal, to be devised by the Secretary, and every seaman, ordinary seaman, landsman, and boy, to three months' extra pay.

SEC. 21. *And be it further enacted*, That the pay of the personnel of the navy, not heretofore provided for, shall be as follows:

The pay of midshipmen as now allowed by law.

Boatswains, gunners, carpenters, and sailmakers, newly appointed, and before having a warrant, on duty, per annum seven hundred dollars.

On leave of absence, or waiting orders, five hundred dollars.

After five years' sea service, and having a warrant, on duty, eight hundred dollars.

On leave, or waiting orders, six hundred dollars.

After ten years' sea service, on duty, one thousand dollars.

Leave of absence, or waiting orders, seven hundred dollars.

Armorers in ships-of-the-line, thirty-five dollars per month.
Armorers in frigates, thirty dollars per month.
Armorers in sloops, twenty-five dollars per month.
Masters' mates, thirty dollars per month.
All other mates, twenty-five dollars per month.
Master-at-arms, twenty-nine dollars per month.
Ship's corporal, twenty-five dollars per month.
Coxswains, quartermasters, quarter-gunners, captains of forecastle, captains of tops, captains of after-guard, captains of hold, coopers, painters, stewards, cooks, and masters of the band, each twenty-four dollars per month.
Musicians, twenty dollars per month.
Seamen, eighteen dollars per month.
Ordinary seamen, fifteen dollars per month.
Landsmen, twelve dollars per month.
Boys, eight dollars per month.
Firemen, first class, thirty-five dollars per month.
Firemen, second class, thirty dollars per month.
Coal-heavers, twenty dollars per month.

SEC. 22. *And be it further enacted*, That when a crew shall be required for a naval vessel, the Secretary of the Navy may, at his discretion, require the commander thereof to ship his own crew, assisted by his officers, under such regulations as the Secretary of the Navy may prescribe.

SEC. 23. *And be it further enacted*, That an increase of

five hundred men shall be made to the marine corps, provided that no new appointments of captains, subordinates, or other officers of the marine corps, shall be made in consequence of such increase.

SEC. 24. *And be it further enacted*, That in addition to the bureaus now attached to the Navy Department, there shall be a bureau of courts-martial, and a bureau to be called the bureau of the personnel of the navy, to which shall be assigned such duties of the Navy Department as pertain to the personnel of the navy, and the orders of such bureau shall be considered as emanating from the Secretary of the Navy, and shall have full force and effect as such, and all the duties of said bureau shall be performed under his authority.

SEC. 25. *And be it further enacted*, That the President of the United States, by and with the advice and consent of the Senate, shall appoint a judge advocate for the naval service, who shall be learned in the law, and who shall be chief of the bureau of courts-martial, and who shall receive for his services three thousand dollars per annum and his travelling expenses. It shall be his duty to prepare, under the direction of the Secretary of the Navy, all charges and specifications of charges to be preferred before naval courts-martial and courts of inquiry, and to keep accurate records thereof; to prepare specific instructions in each case to the acting judge advocate to be designated by him, under the direction of the Secretary of the Navy;

to codify and arrange all the laws of Congress, and the rulings and decisions of the district, circuit, and supreme courts of the United States, touching courts-martial and courts of inquiry; and to compile and submit to the Secretary of the Navy general instructions, forms, and principles applicable to them, and the manner of conducting them, and to preserve perfect records of all such courts and of the cases tried or heard before them: *Provided*, That nothing herein shall preclude commanders of squadrons on foreign stations from ordering such courts, when, in their opinion, the exigencies of the public service may demand them, under such rules and regulations as said judge advocate general may prescribe.

SEC. 26. *And be it further enacted*, That the Secretary of the Navy shall appoint to each of said bureaus one chief clerk, who shall receive for his services sixteen hundred dollars per annum; and two assistant clerks, one of whom shall receive for his services fourteen hundred dollars per annum, and the other shall receive for his services twelve hundred dollars per annum; and a messenger, at seven hundred dollars per annum.

SEC. 27. *And be it further enacted*, That the chiefs of the bureaus established by this act be allowed the same franking privilege as that conferred by law on the chiefs of the other bureaus.

SEC. 28. *And be it further enacted*, That the President

of the United States, by and with the advice and consent of the Senate, may hereafter appoint as chief of any bureau attached to the Navy Department, excepting the chiefs of the bureaus of Courts-Martial and of Medicine and Surgery, any officer in the naval service above the rank of midshipman.

SEC. 29. *And be it further enacted*, That, from and after the passage of this act, the chiefs of bureaus attached to the Navy Department, except the chief of the Bureau of Medicine and Surgery, together with the Secretary of the Navy, shall constitute a navy board, whereof the Secretary of the Navy shall be president ex officio, and of which, in the absence of the Secretary of the Navy, the senior officer present shall act as president.

SEC. 30. *And be it further enacted*, That the Secretary of the Navy shall appoint a secretary of said navy board, who shall keep a record of the proceedings thereof, and, when required by two members of said board, shall record the ayes and noes on any question, and who shall receive for his services fifteen hundred dollars per annum.

SEC. 31. *And be it further enacted*, That said navy board shall convene daily, Sundays excepted, and that a majority of said board shall determine all questions submitted to it.

SEC. 32. *And be it further enacted*, That the Secretary of the Navy, whenever said navy board shall be equally divided

upon any question, shall be entitled to a casting vote; and all decisions of said board shall be subject to the approval or disapproval of the said Secretary.

SEC. 33. *And be it further enacted*, That the board constituted by this act shall be attached to the Navy Department, and shall perform all duties relative to the procurement of naval stores and materials, and the construction, armament, and equipment, employment and officering of vessels of war, and to all questions concerning leave of absence or promotion, as well as all other matters connected with the naval establishment of the United States which may be submitted by the Secretary of the Navy for its consideration, subject at all times to his approval. And it shall be the duty of the chiefs of the bureaus, respectively, to carry out and execute the orders which may be referred to them from said board, unless otherwise directed by the Secretary of the Navy.

SEC. 34. *And be it further enacted*, That the Secretary of the Navy may, at his discretion, prescribe such rules and regulations for the government of said navy board as are not inconsistent with the provisions of this act.

SEC. 35. *And be it further enacted*, That nothing in this act shall be construed so as to interfere with the relations between the Secretary of the Navy and the officers thereof, or to abridge or interfere with the authority of the President of the United States in his control and direction of the naval forces.

Unofficial

My Dear Sir May 21st 1853

I have rec'd the 1/4 with the slip from the Freemans Journal. I return the Letter herewith as requested. Your reputation is as well established, both at home & abroad, as that of the "Freemans Journal" & therefore, I would allow both to stand upon their own merits, without meddling with pitch to stick the libel to the wall with. There is no rule or order against your entering the Arena of discussion, certainly to defend yourself, if you require the excitement; you have the ability, & the ballast to keep upright, whilst upright, your broadside will tell, but I would advise you to keep your ammunition for a better purpose, unless the

enemy's shot & shells strike nearer the mark than the little Bullets sent does. There's nothing new you do not see in print. Many soldiers in State visit Mrs Dahlgren intends to come here I learn about the 28th inst & will be in your State in about a week after. Remember me to Mrs Foote & your daughter & to Mr & Mrs Grant

As always
Yrs in haste
Jos. A. Smith

Commd
A. M. Foote
U.S.N.
New Haven
Conn.

Proceedings of a Naval General Court Martial, convened at the Navy Yard, Boston, Mass, on Thursday at 11 o'clock a. m. the 22d day of December A. D. 1853, for the trial of Lieutenant Alexander Murray, and such other persons as may be legally brought before the Court.

Present.

Captain John Dorris and
" James Armstrong
Commander George F. Pearson and
" Charles H. Jackson
Lieutenants Peter Turner
" R. B. Hitchcock
" Joseph F. Green and
" Benj^a F. Shattuck — Members.

And

Commander Andrew H. Foote, Judge Advocate.

Lieut Alexander Murray, the accused. Appeared.

The Judge Advocate then read the following precept appointing the Court.

To Captain John Dorris

By virtue of the authority contained in an act of Congress approved the 23d of April A. D. 1800, for the better Government of the Navy of the United States a Naval General Court Martial is hereby ordered to convene at

at the Navy Yard, at Boston Mass. on Thursday the twenty second day of December A.D. 1853. —
Or as soon thereafter, as practicable. —
For the trial of Lieutenant Alexander Murray of the Navy,
And of such other persons as may be legally brought before it.
The Court is composed of the following named officers, any five of whom, are empowered to act, viz;—

Captain John Downs and
" James Armstrong
Commander Stoyt. F. Parson and
Charles H. Jackson
Lieutenants Charles L. Davis
" Peter Turner
" R. B. Hitchcock
" Joseph F. Green and
" Benj. F. Shubrick. ~~Members~~
Members

And
Commander Andrew A. Fort, Judge Advocate,

(signed) J. C. Dobbin
Secretary of the Navy.

Navy Department
December 13. 1853

The following letter appointing the Judge Advocate was read.

Navy Department
December 13. 1853.

Sir

A Naval General Court martial, of which you are appointed Judge Advocate, has been ordered to convene, at the Navy Yard Boston, on Thursday the 22d inst. at which time, and place, you will appear, and report yourself to the presiding officer of the Court,

I transmit herewith, a charge preferred by the Department, against Lieutenant Alexander Murray, upon which he will be tried by the Court,

I enclose, also the blank subpoenas to be used as occasion may require.

I Am Respectfully
Your Obt Servant,
(Signed) J. C. Dobbin.

Commander Andrew H. Foote
U. S. Navy
New Haven Conn.

A letter was received, by the President of the Court, ~~and read~~ from Lieutenant, Charles H. Davis, - stating his inability to attend, as a member of the Court, in Consequence of illness

The accused being asked by the Judge Advocate, if he had any legal objection to any member named in the foregoing precept, answered in the negative. - The members of the Court having then been sworn by the Judge Advocate, and the Judge Advocate by the President of the Court, the following Charge and Specification, were read;

Charge, and Specification of a charge preferred by the Secretary of the Navy, against Alexander Murray, a Lieutenant in the Navy of the United States.

Charge.

Disobedience of a lawful order of his Superior Officer.

Specification.

In this that on the Sixteenth day of November, in the year eighteen hundred and fifty three, the Secretary of the Navy having addressed an order to the said Lieut. Alexander Murray, in the words, marks, and figures, following, to wit;

Navy Department
November 16th 1853

Sir

Proceed to Boston, Mass. without delay, and report to Commo. Gregory for duty on board the United States Sloop of war Germantown.

I am Respectfully
Your Obt. Servant
J. C. Dobbin.

Lieut. Alexander Murray
U. S. Navy
Pittsburgh Penn.

And the said Lieutenant Alexander Murray having on the Eighteenth day of November, in the year Eighteen hundred and Fifty three, acknowledged the receipt of said Order in a Letter to the Secretary of the Navy in the following words, to wit;

"Pittsg.h Novem.r 18.th 1853.

"Sir,

Orders of the 16.th is received.

Very respectfully.

Your obt. Sevt.

A. Murray

Lieut. U. S. Navy.

"Hon.ble J. C. Dobbin,

Sec.y of the Navy,

Wash.n D. C."

nevertheless, the said Lieutenant Alexander Murray in disobedience of said Order, did wilfully delay his departure from Pittsburgh, Penn.a until the twenty-eighth day of November in the year eighteen hundred and fifty three, and did wilfully delay reporting, to the said Commodore Gregory, until the third day of December ensuing, or until after the said Sloop of War Germantown, had sailed from Boston,

signed J. C. Dobbin

Secretary of the Navy.

Navy Department

December 13.th 1853.

The Judge Advocate then demanded of the accused, if he were Guilty, or Not Guilty, of the Charge, and Specification of Charge;
To which, the Accused responded,
Not Guilty.

Evidence in support of the Prosecution.

Commodore Francis H. Gregory, of the U. S. Navy, being called into Court was duly sworn, when the Charge, and Specification of the Charge, preferred by The Secretary of the Navy, against Lieutenant Alexander Murray was read to him, after which, the Witness was examined as follows,

Question by Judge Advocate,
State your rank and Station in the Navy,
Answer
Captain in the Navy, and Commanding the Boston Navy Yard.

By the Judge Advocate.
State to the Court, what you know in relation to the Charge, and Specification of the Charge, which you have heard read,
Whereupon the Witness testified as follows,
Lieutenant Murray, the Accused, called on me at my Private Quarters, on Sunday Evening December the 4th Instant, and then exhibited his

Orders, which was the first that I saw of him. He called at my Office the next Morning, officially, and I then endorsed his Orders, as hearing reported on the 4th Instant.

The Germantown sailed from the Yard on Friday Morning, the 2nd of December - after being detained several days by Order of the Department - waiting for Lieutenant Murray's arrival.

When Lieutenant Murray reported to me, he expressed a good deal of regret, that the Ship had sailed, for he had expected to have found her here. He stated his intention of going directly to the Secretary of the Navy, and proposing to go immediately to Rio, and there join the Ship, at his own expense and as far as I know, did go on to Washington and returned here again on the Morning of the 13th Instant. At that time, on the 13th he addressed a Letter to the Secretary of the Navy, which I forwarded, asking the Secretary to let him go and join the Ship at his own expense.

In the interviews I had with Lieut. Murray, he stated to me, unofficially, as supposed, that he had obeyed the Order, with all convenient dispatch which the circumstances would permit, that he had been detained, One, or Two days, in Philadelphia from indisposition.

Question by Judge Advocate,

Did, or not, the Accused, assign any indisposition, as the cause of his delay in Pittsburgh after the receipt of his Order from the Navy Department?

Answer. No.

Question by Judge Advocate,

What reasons, did the accused assign, for the delay in proceeding to Boston?

Answer

In the course of the conversation, he stated that the Order came unexpectedly upon him, and it took him some time to arrange his affairs. He stated that he had no idea that the Ship would be ready so soon.

Question by Judge Advocate.

What Order was that presented to you, by the Accused, on the morning of the 5th of December

Answer.

It was the Order quoted in the Specification of the Charge - the original Order to report without delay, to the Germantown.

Question by Judge Advocate,

Did the accused speak of the length of time he remained in Pittsburgh, after having received the Order, to report without delay, for duty on board the Germantown.

Answer. No.

Question by Judge Advocate.

At what time, or on what day of the month, did the Germantown proceed to Sea.

Answer.

She left her Anchorage at the Navy Yard on Friday Morning, anchored in the Lower Roads, and proceeded to sea on Saturday ~~morning~~ Morning the 3rd Instant.

The Court having no questions to ask the Witness; the Cross Examination was commenced.

Question by the Accused.

Did not the Steamer leave Boston on Saturday Morning, for the purpose of towing the Germantown out? and did you not say it was a pity I had not arrived on Saturday Morning, as I then could have gone down in the Tow Boat?

Answer.

Yes, and I remarked to him, had he arrived that Morning, he might have gone down in the Steam Boat.

Question by the Accused.

Did Lieut. Murray appear ill the Evening of Sunday the 4th, as though then indisposed - and did he decline remaining for Sea, on the plea that he was suffering with indisposition, and feared the Night Air?

Answer.

He appeared to be fatigued, and stated he was ill. At being Sea time, I asked him to take Sea, but he declined on account of indisposition.

for a severe indisposition, and that the delay in Philadelphia, caused by it, was the reason I missed the Ship?

Answer.

Yes.

The testimony of the witness being read over and pronounced by him to be correct, he was directed to retire.

Whereupon the Court adjourned until 10 Oclock A. M. tomorrow morning, the 23d inst.

Navy Yard, Boston,
December, 23d 1853

The court met pursuant to adjournment, all the members and Judge Advocate present, as yesterday, and with the exception of Lieut. Charles H. Davis, all the members named in the precept present.

Present.

Captains John Downs and
James Armstrong
Commanders George F. Pearson and
Charles H. Jackson
Lieutenants Peter Turner
R. B. Hitchcock
Joseph F. Green and
Benjamin F. Shubrick
Members.

And
Commander Andrew H. Foote Judge Advocate,

The accused Lieut. Alexander Murray was present.

The proceedings of yesterday the 22.d were read over by the Judge Advocate.

When, on the part of the defence, Lieut. Joseph R. Green a member of the Court was duly sworn and, after hearing the charge and specification of charge read, Examined as follows.

Question by the Accused!

Were you attached to the Gulf squadron during part of the Mexican War,

Answer.

I was.

Question by the Accused.

Were you and I thrown together on any occasion of duty? if Yes! Did you form any opinion as regards my promptness, efficiency, or general character as an officer or man. if So please say what.

Answer.

Our Expedition sailed from Key West to Tuspan, The accused was I believe, the Executive officer of the Steamer Vixen- the vessel in which I took passage to Tuspan,

In the attack upon the town I was still on board the Orion, on going up the river, Mr Murray's conduct and bearing, as far as it came under my observation, was that of a zealous and energetic Officer.

Question by the Accused.

Do you fully endorse the opinion of the Department - as conveyed to me in the following Paragraph of a letter, dated May 30th 1833.

"The Department observes throughout the performance of this delicate duty, the evidence of prudence - assiduity, and strict attention to its orders".

Answer.

As far as Mr Murray's conduct came under my observation in the Gulf, there was evidence of prudence, assiduity, and strict attention to Orders.

Commander Francis A. Gregory, was recalled and examined as follows.

Question by a member of the Court.

What is the practice of the present Secretary of the Navy, as to underscoring words in his Orders.

Answer.

I do not know that any Officer of the

of the Germantown, before Mr Murray, were ordered to report without delay. The practice differs very much according to circumstances.

Several of the Forward Officers of the Decatur, are directed to report without delay, other Officers not to report until January.

Question by a Member of the Court,

Were any of the Orders of the Officers, to the Germantown, underscored, besides those of Lieut Murray's.

Answer,

Not that I recollect.)

Question by the Accused,

Were the Officers who reported for the "Germantown" ordered to report by a given day,

Answer,

I do not recollect that they were, I have no copies of such Orders and hence do not recollect, I only keep a record of the day they report.

The testimony being read to the witness, and pronounced by him to be correct, he was directed to retire,

The Judge Advocate then proposed to the Court, that the certified copies of Orders, of receipts,

of receipts of orders, and telegraphic dispatches, as such had been furnished by the Navy Department, after being read in court. Should at this stage of the proceedings be interlarded by appending them to the record.

The court then directed the certified copies- marked A. B. C. D. E. and F. to be appended to the record accordingly. The papers were then read, by the Judge Advocate to the court.

The testimony on the part of the prosecution having been presented, the Judge Advocate announced the prosecution closed,

Whereupon the court adjourned until Saturday, tomorrow morning, at 10 O'clock A.M. the 24th inst.

Navy Yard Boston
Saturday 10 O. M. Dec. 24th 1853.

The court met pursuant to adjournment, all the members and Judge Advocate present as yesterday, and all the members named in the precept present except Charles H. Davis,

Present.

Present,
Captains John Downs and
James Armstrong
Commanders George F. Pearson and
Charles A. Jackson
Lieutenants Peter Turner
R. B. Hitchcock
Joseph F. Green and
Benjn F. Shattuck.
Members.
and Commander Andrew A. Fort. Judge Advocate.

Lieut. Alexander Murray the accused was present.

The proceedings of yesterday the 23d inst were read by the Judge Advocate.

The Judge Advocate announced to the court, that there were no witnesses to be examined on the part of the defence and at the request of the accused proposed that one hours should be granted to him for the purpose of completing his defence.

Whereupon the Court took a recess for the purpose of allowing the accused sufficient time to prepare his defence.

At 12. O'clock, after a recess of one hour, the Court reassembled. All the Members, and the Judge Advocate, ~~present~~ named in the precept, present. except Lieut. Charles H. Davis.

The

The accused was also present.
Lieut. Charles H. Davis, who is named in the precept, appeared, and presented to the Court a Surgeon's Certificate, which is marked G, and appended to the proceedings.

The accused then requested of the Court, that the Judge Advocate might be permitted to read his defence, which request was granted by the Court.

Whereupon
The Judge Advocate proceeded to read the defence, which defence is appended to the proceedings.

After the defence was read, the Judge Advocate stated to the Court that he had nothing further to offer.

When all persons were directed to ~~retire~~ withdraw.

Whereupon,
The Judge Advocate read over all the entire proceedings of the Court, and the Charge and Specification of the Charge, and the Court, after having maturely examined the evidence adduced, do find the accused, Lieutenant Alexander Murray, as follows, viz

That of the Specification of the Charge is—

And that of the Charge the accused is

and the Court do thereupon

The Court proceeded to sign this, the record of its proceedings.

John Downes. Presidt. Capt. U. S. N.
James Armstrong Capt. U. S. N.
Geo. F. Pearson Commander U. S. N.
Charles W. Jackson Commander U. S. N.
Peter Turner Lieutenant U. S. N.
R. B. Hitchcock Lieutenant U. S. N.
Jos. F. Green Lieutenant U. S. N.
Benj. F. Shattuck Lieutenant U. S. N.
Comm. Andrew H. Foote U. S. N. Judge Advocate

Navy Yard, Boston, Dec. 24th 1853.

Navy Yard, Boston
Dec. 24th 1853

Sir

I transmit herewith a copy of the proceedings of the Naval General Court Martial in the case of Lieut. Alexander Murray U. S. Navy.

Hon. James C. Dobbin
Secy of the Navy
Washington D. C.

I have the honor to be
Very Obdt. Servt.
Andrew H. Foote Judge Advocate

862 Rendy & Tw. Navy

Copy.

U. S. Ship Vandalia
Simoda, Japan, March 25th 1854

Sir:

I have the honor to report the arrival of this Ship and the Southampton at this port, on the morning of the 23d inst., and in obedience to your instructions, have to submit the following report as to the fitness of the harbor as a resort for vessels of the United States whether propelled by Steam or Sail; and also its convenience for obtaining such supplies as Ships generally stand most in need of.

There is an outer and inner harbor. The former is about two miles in extent, and the latter one mile in length, and varying from a third to a half a mile in width, with deeply serrated sides, forming nooks and coves which afford a fine shelter for vessels of light draft, such as Junks, &c.

The soundings as you advance up the harbor decrease gradually from twenty one to seven fathoms fine grey sand. The holding ground is good. Near the head of the harbor, within the seven fathom line, the bottom is soft mud. The shores are skirted by sharp jagged rocks, which are generally bold to. The entrance from seaward seems to be free from hidden dangers: and by making a tack in the outer harbor, the inner one may be entered with the wind from any quarter except from between E by N and N W by N.

Winds from E S E to S W will throw a swell into all parts of both harbors where Ships can anchor. All dangers are above water.

There is but little drift to the tide. The rise and fall, judging from the shore marks is

is about seven feet. There are several sandy beaches, but the water deepens too suddenly to admit of hauling the Seine. No wharves for steamers or Ships could be erected secure from a southerly swell. Boats can land at all times.

There is a fine stream empties into the harbor near the head, from which any quantity of good fresh water can be obtained by means of flat bottomed boats ascending the stream about half a mile. There are also three or four small wells of good water near the beach, from which a limited quantity can be procured.

Wood of good quality can be had at three or four days notice, and I am assured by the Authorities, to any amount.

The ability of the place to furnish provisions, appears to be very limited, as they have not yet been able to answer our calls. The only articles with which Ships can be supplied, are chickens, eggs, cabbage, turnips and celery: and to furnish these will require from three to four days notice, as they will have to be brought from the interior.

This statement in regard to the scarcity of supplies is no doubt correct, as this is the third day I have been at anchor, and have not as yet been furnished with a single article of provisions. The Japanese Officials say, that as they subsist principally upon fish and vegetables, it is not to be expected that they can furnish a large amount of Animal food; but in case this port should be made a place of resort for Ships they could in a short time, be able to raise any amount of provisions that might be required.

The town of Simoda is situated on the left hand side of the harbor, near the head, and I should judge, contains from 12.000 to 15.000 inhabitants, whose robust appearance indicate a healthy location.

There is evidently a large trade carried on at this port, as there are great numbers of Junks constantly arriving and departing.

I consider this port as point of safety for a limited number of Ships, say six or eight, to be quite as safe as that of Valparaiso or Porto Praya. The holding ground in the upper harbor is excellent; the only apprehensions would be from strong southerly gales which would throw a heavy swell into all parts of the harbor.

As soon as the officers have completed the survey of the port, I shall proceed with this Ship and the Southampton to rejoin you.

Yesterday the Susquehanna passed this place with a strong breeze from the N.E.

The Japanese Commissioner did not arrive here until the 24th, when he visited the Ship, and politely tendered his services. The Officers of both Ships have the full consent of the Authorities to visit the shore, and I have accordingly permitted them to do so.

Since writing the foregoing I have ascertained that the hills are well cultivated, producing wheat, rice, taro, sweet potatoes and other vegetables; and I have been supplied with a number of hampers of the potatoes, and a quantity of excellent water and wood. The wood is put up in bundles like that at Loo Choo and I have assurance of being furnished.

furnished with an abundance of vegetables for the Crews of both Ships tomorrow.

I am

Very Respectfully
Your Obt Servt
(Signed) Jno Pope
Commander

Commodore M C Perry
Comg U. S. Naval Forces
East Indies, China & Japan Seas.

Capt Pope's Report
dated 21st
concerning harbor of
Simoda, Japan.

Copy

U.S. Naval Asylum,
Philad'a June 29th 1854.

Sir.

The Committee on Foreign Relations (of the Senate) having reported favorably on a Resolution relative to the abrogation of the 8th Article of the Treaty with Great Britain of the 9th of August, 1842, providing for maintaining a Naval force on the Coast of Africa, and having myself been, for two years, in command of a Man-of War on the African Station cruising under said Treaty, I therefore take the liberty of presenting to the Navy Department, my views, in relation to the Subject under consideration.

I have before me a Copy of the "Instructions for the Senior Officer of Her Majesty's Ships and Vessels, on the West Coast of Africa, with respect to the Treaty with the United States of America, signed at Washington on the 9th of August 1842—" By the Commissioners for executing the Office of Lord High Admiral of Great Britain, Ireland, &c." which say—

"The Commanding Officers of Her Majesty's Vessels on the African Station will bear in mind, that it is no part of their duty, to capture or visit, or in any way to interfere with Vessels of the United States, whether these vessels shall have Slaves on board or not.

The African Slave trade has been pronounced piracy, in a municipal sense—not piracy by the Law of Nations; therefore bona fide American Vessels, irrespective of their character, are in no sense amenable to British, or other Foreign Cruisers. But the question arises how

865 a American

is American Nationality to be ascertained; for the Slaver if not American can easily hoist the American Flag; and as Slavers are often found on the Coast of Africa with double sets of papers and flags, unless a visit be made, the American Flag may be used to cover the most atrocious acts of piracy. Therefore, unless British and American Men of War co-operate, by joint cruising, as provided in certain cases by the Treaty, American Vessels are boarded by British Cruisers. Our commerce is thus interrupted, although the boarding Officer becomes, by our doctrine, a trespasser, in case the Vessel should prove to be American. The practice is for American Vessels to shew their register, or Sea-letter to the Foreign Officer as proof of Nationality; they then become inviolate and cannot be searched or detained.

The American Flag in these ways has become deeply involved in the Slave traffic. Of this, you are aware there is abundant evidence in the Navy and State Departments from the reports of our Officers on the African Station; and from our Ministers in Brazil.

I have also before me the Report of the Committee of the Senate in relation to this subject, and I beg leave respectfully to remark on the several points presented in the Report.

1st. The expenses of African Squadrons (like all Squadrons) are great, as stated by the Committee, still, Great Britain, after carefully considering the claims of her commercial interests, and the cause of humanity, has decided to maintain a Naval force of twenty six Steamers and sailing Vessels on that Coast. Among the reasons assigned by the Select Committee of the House of Lords for continuing this Squadron _____ are _____

_____ "that against the present cost of the Squadron, should be set the advantage of nourishing and maintaining a valuable and increasing lawful trade, which must be utterly extirpated if the Cruisers were withdrawn, and which might be developed to an unlimited extent if the Slave trade were suppressed."

2nd. From the establishment of our Squadron to the present time, it is believed that the "loss of life" on the African Station, has not exceeded that in other Squadrons abroad. In my own Vessel, the "Perry", we were cruising for two years; much of the time exposed in boats frequently absent from the Vessel days and nights; boarded seventy Vessels, and captured two Slavers; yet not a single death occurred among the Officers and Men. The only sanitary measures taken were, not to be on-shore during the night, and issuing no grog-rations during the Cruise.

3d. "French Squadron". The reason why France has reduced her force on the African Coast, from twenty six to twelve Cruisers, may be found in the fact that her Squadron, like our own, is restrictive to her own Vessels and citizens alone; and while it is indispensable for the general success in the suppression of the Slave trade, it has not exhibited anything like the same amount of result in Captures as the British Squadron; for France is not, like England, in Treaty with other Powers. The presence of the Squadron, however, has restrained the employment of the French Flag, in the traffic, and it is believed that France, has no idea of withdrawing

withdrawing her Squadron from the Coast, although the Slave trade has been more than 100 p.c less under the French than under the American Flag; and her commerce, on that Coast, is far less extensive than that of the United States.

4th. Investigating Committee in Parliament. The result of a long and close examination of British officers and others, as may be seen in the "Blue Book" or Parliamentary Papers of 1849-50, led to the conclusion that the most disastrous consequences would attend the withdrawal or diminution of British Forces. The efficiency of the African Squadron was subsequently increased by the addition of several small Steamers, better adapted to the purposes in view. The diminution of the Slave trade would have taken place earlier, had the American Squadron prior to 1849 cruised in co-operation with the British, South of the Equator. Although in case the American Commodore should deem it advisable to send a vessel South of the Equator, he had authority to do so, but his orders limited the cruising ground of the Squadron, from the Equator as far North as the Island of Madeira, while the Slave trade in American Vessels was carried on South of the Equator.

The effect of the Squadrons when co-operating as provided in the Treaty will now be seen.

While it is admitted that "the policy of Stipulations of this kind may be well questioned on general grounds", if, on the other hand it be shewn that such Stipulations only, can effect the extirpation of the most diabolical traffic which the world has ever seen, it is believed that no person will hesitate as to the propriety of continuing the practice of co-operation, by joint

joint cruising for the suppression of the Slave trade as stipulated in the Treaty of Washington.

During the years 1847-48-49, when the Slave trade, as shewn by the Report of the Committee on Foreign Relations, was carried on with increased activity, there was no American Man of War on the South Coast. On this point, Sir George Jackson the British Commissioner at Loanda in a letter to the Commander of the "Perry" 7th May 1850 says "During the four years preceding your arrival (March 1850) I did not see and scarcely heard of one single American Officer on this Station. The Marion and Boxer did, indeed if I recollect right, anchor once or twice in this Harbor, but they made no stay in these parts. What was the consequence?

"The Treaty of Washington proved almost a dead letter as regarded one of the contracting parties. And the abuse of the American Flag became too notorious in promoting and abetting the Slave trade to make it necessary for me to refer further to it."

In the Month of December 1849, the British Commander in Chief proceeded to Porto Praya and informed the American Commodore, that a number of American Slavers had been, and still were on the South Coast, and that no American Man of War were there (or had been for three years previously) to seize them. The "Perry" was accordingly dispatched to the Lathern Coast and in a few months was followed by the "John Adams". An arrangement was made by the British Commanding Officer to cruise in company with a British Steamer, for the suppression of the Slave trade, and within eight months three Slavers were captured; our legal commerce, which had been annoyed by British Cruisers, was protected.

protected, and our Merchant vessels relieved from vexatious Custom House restrictions in the Portuguese provincial ports. This joint cruising was continued for a year or more; the American Cruiser boarding every vessel under American Colors, and the British boarding her own vessels and those of the different Nations with which her Government was in Treaty. Several French Cruisers were also on the South Coast. The result of these proceedings was that the Slave trade in American Vessels languished- in fact became almost extinct.

5th. The Slave trade to Brazil is now comparatively small; but it is believed, notwithstanding the measures taken by that Empire, that Slave vessels under American Nationality are occasionally running between Brazil and Africa. The U.S. Squadron, Comm^r Mayo (who in a published letter has expressed the opinion that the Squadron ought not to be withdrawn) has captured within the last eight months two American Slavers on the South Coast; and were the Squadron withdrawn, American Slavers from Brazil might soon appear in great force.

6th. From the unsuccessful efforts of our Home Squadron, and the British Cruisers off Cuba, in intercepting Slavers bound to that Island, it may be inferred that there is little prospect of preventing Slavers reaching there, even if a portion of the African Squadron, as suggested in the Report, were added to the force already in the West Indies.

For these, with other reasons assigned in "Africa and the American Flag," pages 216- 217- 232- 233- 234- 260- 261- 294- 300- 316- 325- 358- 359- 360- 363- 372- 376- 379- 383- 386- 387- I am clearly of the opinion, that the only means effectually to suppress the African Slave trade, are for the vessels of the respective Squadrons to cruise in company off the Slave Stations, for several years yet to come; where all suspicious vessels, irrespective of their Nationality, may be overhawled and thoroughly examined. But if either the United States or France, withdraw their Squadron, the vessels of that Nation without a Squadron would at once revive the iniquitous traffic- despite the efforts of other Squadrons for its suppression.

Our Squadron has protected our legal commerce, which is more extensive, on the South Coast, than that of England or France; it has checked by important captures, and still more by its presence, the desecration of our Flag; and has had an essential agency in removing the guilt of the Slave trade from the world. Therefore, concurring with your views as expressed in the language of your able Report, I am satisfied the Squadron is needed, and is very effective in protecting our citizens, as well as suppressing the Slave trade. Let it be withdrawn and then disastrous consequences to our commercial interests, and to the cause of Christian Missions and humanity will follow; and the Colony of Liberia, now so prosperous and important to us, morally and commercially, will be compelled to seek the protection of England; and in return that Kingdom will receive the benefits of her rapidly increasing commerce, as well as that of the African Coast Generally.

I have the honor to be
Very Respectfully
Your Obd^t Servt
(sig^d) Andrew H. Foote.
Comm^r U.S. Navy.

Honorable,
James C. Dobbin.
Secy. of the Navy.
Washington D.C.

868

(over)

Copy.

Navy Department,
July 12th 1854.

Sir:

In acknowledging the receipt of your carefully prepared communication of the 29th ultimo in which you have concisely and clearly imparted your views in relation to the 8th Article of the Treaty with Great Britain for the suppression of the Slave trade, the Department tenders to you its thanks for the valuable information it has derived from its perusal.

Very Respectfully
Your Obdt Servt
(sig'd) J. C. Dobbin.

Commander
Andrew H. Foote.
U. S. Navy.
Naval Asylum.
Philadelphia.

(1150)

June 29 '54.
Letter of Foote to Secy of Navy, on African Squadron.

Copy

Navy Department
July 12th 1854

Sir

In acknowledging the receipt of your carefully prepared communication of the 29th ultimo in which you have concisely and clearly imparted your views in relation to the 8th article of the Treaty with Great Britain for the suppression of the Slave trade, the Department tenders to you its thanks for the valuable information it has derived from its perusal.

I am respectfully
Your Obdt Servt

(Signed) J. C. Dobbin

Comdr Andrew H. Foote
U. S. Navy
Naval Gun Factory

869

Colo. Rooms
Wash. 22 Jan. 1858

My Dear Sir

I have the pleasure to hand you copy of resolution adopted by the Board of Directors—

And also Resolution which you offered & afterwards on leave withdrawn—

I remain
Most respt. Yours
W. McLain

Com. A. H. Foote
U. S. Navy
New Haven
Phil.a Con.
Pa.

[Rec. 17, 1858]

Extract from the Minutes of the Board of Directors of the Am. Col. Society— 38th an. meeting

Resolved, That the thanks of this Board be presented to his Excellency Governor Dutton, the Rev. Dr. Haight, and Commander Foote, for the addresses delivered by them at the late annual meeting of the American Colonization Society, and that the Secretary of the Society be instructed to transmit copies of this resolution to them, and to request a copy of their addresses for publication.

True Extract
J. W. Lugenbeel
Rec. Secry A.C.S.

[Rec. 17, 1858]

c/1855, Jan–Feb. 3

al Asylum
a August 9th ..4

Mr. Whittlesey of the Treasury Department has referred me to you as being likely to know the residence of Mr. Whittley, a young Gentleman who was passenger of the American Ship Flirt in the year 1851, and who was left on the Cape Verde Islands when Mr. Gibson the reported owner took possession of the Flirt and sailed for Brazil & afterwards proceeded to the East Indies and became involved with the Dutch government. By giving me any information that I can inform the State Dept. where Mr. Whittley may be found you will confer a great favor on yours very

~~Mr. Wh~~ I thought Mr. Whittley came with me in Dec. 1851. who says that he has an uncle in New York

Naval Asylum
Philadelphia February 14th 1855

Sir

I have received your letter of yesterdays date, in reference to the certified declaration of Capt. Townsend in the Gibson case; and, in reply, beg leave to state, that the paper referred to has never been in my possession. The meaning I intended to convey in my letter of the 9th inst. was, that Capt. Townsend accompanied his letter to Lieut. Commdg. Gardner, with a certified declaration. This certified declaration was given by Lieut. Commdg. Gardner, to Wm. H. Morse Consul at Porto Praya. Capt. Townsends declaration is now probably in the hands of the Consul at Madeira, and the certified copy in possession of Mr. Morse at Porto Praya.

Agreeably to your request, when I called at the State Department, I have endeavored to ascertain the residence of Mr. Whittlesey formerly Supercargo of the Schooner Flint, and this day have received a note from Charles Whittlesey Esq. — No 36 South St. New York, which says "His name is I think J. W. Whittlesey, or as he spells it, Whittelsey. Any thing for him in my care, shall be forwarded at once."

Enclosed is the note received from Mr. Whittlesey.

I have the honor to be
Very respectfully Sir
Your Obdt. Svt.
Andrew H. Foote
Commr. U.S. Navy

Hon. William L. Marcy
Secretary of State
Washington D.C.

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Addressed to Senators - Vernon, Clayton, Bell,
Green, Foote, Cooper,
Toucey, Pearce, Gillette
& Dunnell.

Philadelphia
February 17: 1855

Dear Sir.

I take the liberty of saying, that the sentiments of the working-efficient officers of the Navy, on this station, are expressed when I state — that serious apprehensions for the fate of the "Navy efficiency bill", will be entertained, in case the amendments proposed in the Senate on the 14th instant, should be adopted.

It seems as if there had been ample time to have introduced the new features into the bill, proposed by the amendments, (good in themselves & may hereafter be adopted) before this late hour; when, such action now, for want of time, and from the pressure of business in the last days of the Session, will greatly endanger the passage of the bill itself.

I beg therefore, as a friend to the efficiency of the Navy, and as an act of justice to the working officers of the service — and of no less justice to the inefficient, that you will resist the adoption of all amendments proposed; and use your influence in securing the concurrence of the Senate, to the bill as amended by the House; in order that it may be sent direct from the Senate for the approval of the President.

I am very respectfully
your Obdt. Servt.
Andrew H. Foote

Hon. John M. Clayton
U. S. Senate
Washington

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(Copy)
(a Duplicate)

Remarks on the Sailing and other qualities of the U.S. Ship Portsmouth made during a cruise commencing the 16th Dec. 1851 & ending 4th April 1855

1 Her best trim for sailing

Fifteen Inches by the stern. 12

2 Her draft of water forward and aft, when provisioned for six months and stored for three years.

16 feet 1 Inch forward, and 16 feet 8 Inches Aft.

3 Quantity of ballast on board

40 Tons - but no information of weight furnished us.

4 How she sails close hauled in a top gallant breeze

9 to 10 Knots, angle of rudder 3½° angle of yards 33° Angle of mind 67°

In a topsail breeze

9 Knots, angle of rudder 4° angle of yards 36° angle of mind 65°

Under reefed topsails

8 to 9 Knots, angle of rudder 4½°, angle of yards 40°, angle of mind 70°

Under courses

5 How she steers, & how she wears & stays under her top gallant sails

Remarkably well

Under her topsails

The same

Under reefed topsails

The same

Under courses.

6 How she lays to in a gale, & under what sail she behaves best.

Angle of rudder 30° angle of yards 45°, angle of mind 75°

Lays to best under close reefed main top sail, and storm mizzen.

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7 How she sails & steers with the wind abeam under royals

8 and 9 Knots, angle of rudder 3½°, angle of yards 70°, angle of wind 90°
Under top gallant sails
11 Knots, angle of rudder 4°, angle of yards 70°, angle of wind 90°
Under top sails
11 to 12 Knots, angle of rudder 4° angle of yards 70°, angle of wind 90°
Under courses

8 How she sails with the wind on the quarter under all sails

Moderate breezes 8 Knots, angle of rudder 2½°, angle of yards from remarks 80°, of wind 45°
Under royals
7½ Knots, angle of rudder 2½°, angle of yards 80°, angle of wind 45°
Under top gallant sails
9½ Knots, angle of rudder 2½°, angle of yards 80°, angle of wind 45°
Under top sails
10 to 11 Knots, angle of rudder 3°, angle of yards 80°, angle of wind 45°
Under courses

9 How she sails & rolls before the wind, & the effect on her masts under all sails

Sails badly, rolls very quick, quite easy on her masts.

Under royals
The same
Under top gallant sails
The same
Under top sails
The same
Scudding in a gale
Remarkably well.

10 How she rides at anchor in a heavy gale and sea

Very well

11 How she stands up under her sails

Remarkably well.

12 How she stows her provisions and water, and what quantity of the latter she carries, when provisioned for four and six months, & the quantity of ballast which may be dispensed with in the room of six months provisions

Stows her provisions and water remarkably well, carrying 23454 galls. of water, requires little or no ballast, when full provisioned and watered.

13 The number of tons, of provisions taken on board, when stored for the above time

73 tons for six, and 49 tons for four months.

14 Number of days at sea during the period embraced in this report

503 days.

15 General remarks as to her sailing under all circumstances with other Ships, showing the proportion she gathers to windward or fore reaches, her proportion of lee way, in general, and any other circumstances worthy of note. In reply to questions 4.5.6.7.8. it is desirable that the angles of the rudder, of the wind & the yards, should be stated; all measured from the middle line of the ship.

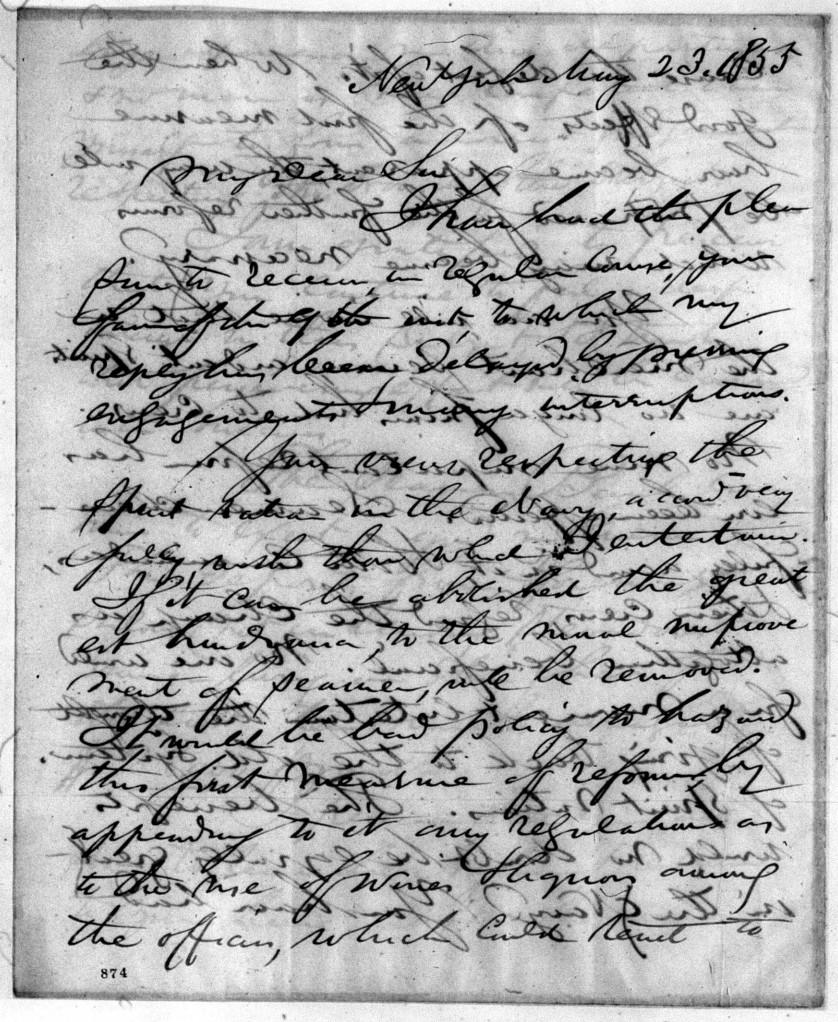
Would compare favorably with most fast sailing Ships, beats and forereaches remarkably well, and will tack almost

under any circumstances, makes but little leeway compared to other ships. One man can steer her with the strongest winds, a boy can with ease, under ordinary circumstances. Her best point of sailing is with the wind one point forward of the beam.

I have the honor to be
Your Obt Svt
Mc A Dornin
Commander

Captain Samuel L. Breese
Commandant Gosport Navy Yard

Copy of Report
Com. M. A. Dornin
Forwarded by Capt. S. L. Breese
Relative to the sailing
qualities &c. of the "Potomac"



New York May 23. 1855

My Dear Sir

I have had the pleasure to receive, in regular course, your favour of the inst. to which my reply has been delayed by pressing engagements & many interruptions.

Your views respecting the spirit ration in the Navy, accord very fully with those which I entertain. If it can be abolished the greatest hindrance to the moral improvement of seamen, will be removed. It would be bad policy to hazard this first measure of reform by appending to it any regulations as to the use of wines & liquors among the officers, which could tend to

cause the desertion &c. When the good effects of the first measure shall become apparent, the way will be prepared for the further reforms which may become necessary.

You are also aware that in the Merchant Service ardent spirits are no longer issued to crews.

No more important reform has ever been effected. Seamen cheerfully acquiesce in it. Both Commanders, & their Crews, regard the change as altogether beneficial. No one would for a moment entertain the thought of going back to the old system of Spirit Rations. The benefits would no doubt be equally great in the Navy. You have had large experience in this department, & no man is more competent than yourself to form a correct judgement respecting this branch of the subject.

I am gratified to perceive that you continue to feel a deep interest in this subject, & trust that perseverance will be crowned with success.

The Seamens Bank continues to exert a good influence. The deposits from present date (not including Stewards & Seamen living on Shore) have for the last ten months averaged $28.000 pr month.

I perceive that you are to leave the Asylum & return to your home at New Haven

Begging that you will mention me kindly to Mrs Fort I am
Very truly yours
P. Perit

To
Capt. Fort
U. S. Naval Asylum
Philadelphia

Copy

Navy Department
September 29th 1855.

To

Captain James Armstrong,
Appointed to Command,
the United States Squadron in the
East India and China Seas,
New York.

Sir,

You have been appointed to Command the United States Naval Force in the East India and China Seas, and the United States Steam Frigate San Jacinto has been fitted, equipped and designated as your Flag Ship.

So soon, therefore, as she is in all respects ready for Sea, You will hoist your Broad Pendant on, and proceed in, her by the way of the Cape of Good Hope to Hong Kong in China.

On your passage out you will touch at such ports as you may deem necessary to replenish the Steamers Coal, and for the purpose of procuring needed supplies and refreshments.

The Squadron at present under the Command of Commodore Joel Abbot will be recalled, but you will no doubt fall in with him before he leaves the Station. He will be instructed to transfer the Command with all unexecuted orders and to furnish you with all information necessary to acquaint you fully with the condition of affairs within the limits of the Station to which you have been assigned.

Your Squadron will consist, for the present, of the Steam Frigate San Jacinto, Commander H. H. Bell, and the Sloop of War Levant, Commander W. Smith, to which other Ships will be added at an early day.

The primary object of the Government of the United States in maintaining a Naval Force in the East India and China Seas are, the protection

of

of our valuable trade with China and the Isles of India and our Whale fisheries, to enlarge the opportunities of Commercial intercourse and to increase the efficiency of our Navy by affording active service to the Officers and Crews of Vessels ordered to that Station. To these you will pay unremitting attention.

The duties of the Squadron will be increased and its sphere of operations much enlarged by reason of our recent treaties with the Empire of Japan and the great desire entertained to open a friendly and liberal intercourse with the people of Japan, by which means our trade and Commerce may be largely benefitted. You will, therefore, at convenient intervals cause our National flag to be shown in the waters of Japan and by Courtesy, and all proper efforts, strengthen the good relations between the two Countries.

Revolutions seem now to be filling China with discord and Strife. The whole Civilized World is now watching with interest those important movements, and hopes are indulged that the events may prove promotive of Christianity, Liberty and Commerce. You will carefully abstain from becoming identified with either of the revolutionary parties, but consult as freely and as often as possible with the United States Commissioner and advance the interests of your Country by the exercise of prudence and vigilance and a prompt defence of the rights of your Countrymen.

You will visit the ports which are open to American Commerce and afford to it upon all occasions the fullest protection in your power. You will also be careful to collect from reliable sources, and especially from our Consular and Commercial Agents, all the information you can obtain, of the Social, political and Commercial condition of the Countries and places you may visit. The results of such researches, you will

— Communicate

communicate to the Department as often and as fully as possible. No opportunity should be neglected of gaining useful information. Competent Officers should be assigned to the duty of preparing Views of remarkable places and objects, particularly of the ports in China and of such as you may visit in Japan. Soundings at the entrances of harbors, rivers &c. should be obtained, as well as on and near Shoals to test the accuracy of, and to supply, deficiencies in, Charts.

The Commerce between China and our Western Coast is attracting great attention and will, beyond all doubt, at no very distant day, become of vast importance to the United States.

You will direct the Commanders of the Vessels of your Squadron, while cruising in the "Soo Choo" Archipelago and adjacent Seas, to observe with care, and to examine attentively their Charts, as to the position of Islands, Shoals &c. and to note all inaccuracies and dangers not heretofore referred to — full reports of which you will transmit to this Department.

You will, if practicable, visit the port of Amoy in China in your Flag Ship and confer with the United States Consul there on all matters touching the interests of the United States.

The frequent disasters which occur to Merchant Vessels during the Typhoon months, calls for the vigilant attention and care of the Commanders of our Ships of War. You will, therefore instruct them to be watchful, and on all occasions when their services may be needed to afford every assistance in their power to Vessels in distress, and after violent Storms to cruise in quest of such as may have suffered therefrom.

You are not to receive on board of any Ship of your Squadron, or permit others to do so, any goods or Merchandize, other than for the particular Ship, except Gold, Silver or Jewels, and

— except

except the goods or Merchandize of Vessels which may be in distress or shipwrecked, or in imminent danger of being shipwrecked, in order to preserve them for their owners. It is proper that I should state to you explicitly that though by law as well as usage, you are allowed to take on board your Ships, Specie, bullion and other precious Articles, that authority only extends to their reception, either for the purpose of security from danger or loss, or the transportation from one port to another or to the United States on your return home in behalf of our Citizens, and no publication or advertisement is to be made that Gold, Silver or jewels will be received for any such purpose.

You will carefully refrain from the exercise of undue prejudice or partiality towards any under your Command: such Conduct in a Commanding Officer inevitably tends to discontent and insubordination. An observance of strict impartiality towards all will best promote the harmony and efficiency of your Command.

Your particular attention is invited to the advancement of the Midshipmen of your Squadron, possessing a watchful care over their Studies, as well as over their official and moral deportment, and you will impress it upon them that much of their future usefulness, their character and standing in the Service will depend upon the progress made in their professional pursuits, to which it is expected they will devote all the time that can be spared from their active duties. You will also invite the Elder Officers to render aid to the Younger ones, in teaching them the use of Nautical Instruments and the various duties of their Stations. I desire also that you will at your discretion, direct instruction to be given to such Apprentices and others as may seem likely to derive benefit from it.

The

The recent adoption of the Apprentice System originated in the desire of the Department to raise up and gradually multiply the number of American Seamen. I cannot too earnestly impress upon you the importance of diligent and active co-operation on your part to effect this result. I command, therefore, the Apprentice boys and the departmental regulations in regard to them, to your special attention.

You will not allow any under your Command, if you can prevent it, to incur debts and leave them unpaid in any ports or places they may visit. If any one be heedless of this order you will report the circumstances to this Department.

It is confidently expected that throughout your cruise you will remember that one of the great objects in keeping up our Naval Squadrons, is the employment of our Officers in the active duties of their profession, as indispensable to the discipline and consequent efficiency of the Navy. You will therefore, omit no opportunity of affording them occupation and excitement by keeping the Ships of your Squadron in motion as much as possible, without losing sight of other objects, frequently exercising guns, clearing Ship for action, & completifying the arrangements & prayer in alarms of fire, and as often as the Ships shall be together piping them through such manoeuvres as their limited number will permit.

The maintenance of discipline among Officers and crews, is an object requiring at this time your unwearied solicitude. The Character of our Country in a great measure is is known and judged of among distant nations by the personal deportment of its Officers, who are to a certain extent its Representatives. The high

Standard

standard which is within their reach, and should be the aim of every one, is the best calculated to command respect and confidence from all with whom intercourse is held. It is hoped and believed that every Officer of your Squadron will zealously cooperate with you in maintaining the strictest discipline. Your own professional Character is a guarantee, that no efforts on your part will be omitted to preserve the discipline of the Service and the efficiency of your Command. Nothing has tended more to lessen the attachment of the Nation to its Navy, than the frequency with which Courts Martial have occurred. It is confidently hoped that no cause for any, will arise in the Squadron under your Command.

All Officers are enjoined by law, by regulation and by a regard to their own honor, to maintain in all respects a correct deportment towards Superiors, inferiors and equals. A general observance of this Salutary rule, will render each one more happy in his own person, more zealous in the discharge of his duty and more useful to the Service of which he is a member.

On entering any harbor, or meeting with any public Vessel bearing the flag of a Nation in amity with the United States You will be careful to manifest the usual Courtesies.

You will enjoin upon all under your Command to abstain from violating the Commercial or Municipal Laws or regulations of the places they may visit, and to avoid giving any, the least ground of Complaint.

The climate of the Asiatic Archipelago being peculiarly unfavorable to the health of Natives of Northern latitudes, and it not being probable that the Commercial interests of the United States will require the presence of your Squadron exclusively in the ports of India proper, You will, according to your discretion, extend your Cruise to the nearest ports usually resorted to by our Whalers, and extend to that interest all the aid and support which it may require, and which may be in your power to afford.

Should any of the epidemic diseases common to hot Climates unfortunately prevail on board of either of the Ships of your Command, You will at your discretion send her to a more salubrious latitude, until the progress of such disease shall have been effectually checked. The preservation of health in a Cruising Vessel, is of the utmost importance, as much of her efficiency must depend upon it.

The policy of the United States is avowedly pacific; and while studious to maintain the honor, and guard the interests of their Country, it is the duty of its Officers to abstain from violating the laws or rights of other Nations, and by conciliating the good will and favorable opinion of the people whom they may visit to strengthen the bond of commercial intercourse and increase the disposition to more intimate relations.

Should any violation of the persons or property of American Citizens be committed or attempted, You will seek reparation or restitution, by persuasive yet firm measures, and you will not resort to force unless in the last extremity and when no doubt can exist that right and justice are on your side.

You may occasionally be placed in situations and under circumstances which cannot be foreseen and on which special instructions cannot be given in anticipation. In all such cases every confidence is reposed in your ability to guard the interests as well as the honor of your Country.

As

As the return of Officers from distant Stations, subjects the Department to great inconvenience and expense, You will discountenance all applications for leave to return as much as possible, and avoid granting such leaves except in Cases of great emergency. The Surgeons should be particularly cautioned not to give Certificates stating the necessity of returning to the United States, without a due consideration of the cause and consequences.

You will use all proper discretion in giving the Officers and Crews permission to visit the shore, carefully inquiring into their conduct on such occasions.

No acting appointments are to be made by You, except to fill the vacancies which may occur in the Complement of Lieutenants, Masters or Commd. Officers assigned to the respective ships by the Department, and such only will be filled by you as become absolutely necessary to supply the places of those, whose services may be lost by sickness, absence, death or other unavoidable casualty, and in receiving acting Appointments, the Officers are to be distinctly informed that none such are valid unless Confirmed by the Department. Vacancies in the grade of Master will be filled by the Senior passed Midshipmen who are worthy of advancement.

No sealing of petty Officers will be allowed, except such as are provided for and designated in the Complement table Approved July 30th 1854.

In the Course of your Cruise it may be in your power to add to the Agricultural interests of your Country, by procuring and sending or bringing home, when it can be done without neglecting other duties, rare plants, and seeds, particularly of the Sea plant, such as are adapted to our Climate and Soil and useful

for

for domestic purposes. You are not, however, to consider this permission as authorizing you to receive on board any live animals for importation.

The regulations for Steam Vessels of the Navy issued on the 26th February 1845. and August 22d 1849. must be strictly complied with; the latter regulates the use of Steam and Consumption of Coal fuel and is in the words following:- "U. S. Steamers, serving on foreign Stations are not to use Steam, except in urgent cases. Steam power must be considered merely as an Auxiliary. Under ordinary circumstances Sails must be used and the greatest economy practised in the Consumption of fuel." A rigid Compliance with which is enjoined on You.

The practice of Communicating information concerning the past or future movements of our Vessels of War to the public through the Newspapers, or any other medium, is, and always has been considered, highly improper. The Subordinate Officer will make his report to the Commander of the Squadron who will forward a copy to the Department, the head of which will judge of the propriety of making the whole or any part of it public.

Your despatches to the Department should be regularly numbered and duplicates must be transmitted by the earliest opportunities that offer after the originals are on their way.

For the Supplies which may be required for the Squadron, You will address Yourself Seasonably to the Chiefs of the Appropriate Bureaux.

The Messrs Baring, Brothers & Co. of London will honor the drafts of the Purser of Your Flag Ship drawn in Your favor for such sums as may be needed. His bills should be for small amounts, drawn at Sixty days sight and each Set of Exchange should bear a distinguishing mark

or

or a number. Should it be found more convenient and advantageous to negotiate bills in the United States, you will instruct the Pursers to draw in favor of their respective Commanding Officers on the Department payable at Sight.

Before sailing from New York you will cause a complete Muster roll of the Officers and crew of the "San Jacinto" to be transmitted to the Department as directed by the 29th Article of the "Act for the better Government of the Navy of the United States" Approved April 23d 1800, and subsequent lists will be forwarded as required by the Circular order of the 10th June 1846. Separate lists of the Officers must also be transmitted.

In conclusion the Department confidently hopes that by a constant attention to professional duties, by a proper respect and subordination to superiors, and by a careful observance of those courtesies so necessary among Officers, all occasion for discontent and all personal altercation will be avoided.

Tendering to you, and those under your Command, my best wishes for a pleasant cruise and a safe return to Country and friends,

I am Very respectfully
Your Obedient Servant
(Signed) J. C. Dobbin
Secretary of the Navy.

True copy. D. Vanden Heuvel
Commodore's Secretary.

(Copy)

Navy Department, Sept 29th 1856.

Hon J. C. Dobbin, Secy of Navy, to

Commodore James Armstrong =

Sailing Instructions.

Copy

Navy Department
October 20th 1855.

Sir

Information of a sufficiently reliable character to entitle it to consideration has been very recently communicated to this Department that an uninhabited Island abounding in Guano was many years since discovered by an American Citizen; that it is situate in the Pacific Ocean very distant from the main land and any adjacent islands.

Many enterprising Citizens have formed themselves into an association and have already despatched one Vessel which will be followed by others to the Island. The fertilizing character of Guano makes the article extremely valuable: the price paid at present is a heavy one and there are few results which would be hailed with more general satisfaction than a discovery calculated to secure it on reasonable terms to the agricultural interest of our Country.

The bearer of this despatch will inform you of the precise locality of the Island.

The Department desires that you will avail yourself of the earliest convenient opportunity to despatch one of the vessels of the Squadron under your Command with a view of ascertaining the correctness of the information — of protecting our Citizens in their rights and taking Care of the interests of our Country.

Of course if the Island turns out to have been

882

[See letter of Apr. 23, 1856, Dobbin to Foote # 890]

can discovered to be occupied by the Citizens or Subjects of other Governments and it appears that our information is in error on that point, we must content ourselves with procuring information as to the Character of the Island its precise latitude and longitude the quality and supposed quantity of the Guano and the character of the harbor.

It is not necessary that the vessel should remain but a short time, and report should be made as early as practicable to the Department.

As it is intimated that there is no supply of Water on the Island, every arrangement should be made to anticipate that difficulty.

You will permit the Lieut. and one Associate to have a passage they paying their own mess bill. I would suggest the "Mayflower" for this purpose unless you shall judge otherwise.

Very respectfully
Ye. Obt. Sv.
J. C. Dobbin

Commodore
Thos. Abercrombie
Comm'g U.S. Squadron
Pacific Ocean
San Francisco
Ca.

[See letter of Apr. 23, 1856, Dobbin to Foote #890]

Manuscript # 883 registered 5/31/64 AW

Copy.

New York January 7th 1856.

Be it known to all whom it may concern that I have communicated to J. B. Gray Esq. the locality of a Guano island lying off the East Coast of Africa in Latitude 6° 56' 02" S. and Longitude 39° 55' 05" East of Greenwich.

The said island I believe to be about from one half to three quarters of a mile in its two diameters is uninhabited and I believe unclaimed by any Government or people either Civilized or barbarous.

At the period of my visit its entire surface appeared to be covered with Guano to the depth of several feet and judging from the odour of some barrels which were brought on board it is my belief that it was highly ammoniated.

S. G. Shaw

Copy.

New York January 7th 1856.

Be it known to all whom it may concern that I have communicated to J. B. Gray Esq. the locality of a Guano island lying off the East Coast of Africa in Latitude 6°. 54'. 02" S. and Longitude 39°. 55'. 05" East of Greenwich.

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J. G. Skeen

Copy.

New York January 7th 1856.

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At the period of my visit its inclined surface appeared to be covered with Guano to the depth of several feet and judging from the odour of some barrels which were brought on board it is my belief that it was highly ammoniated.

J. G. Strain

Manuscript #685 relocated 6/4/84 HW

(Copy)

Bureau Of Ordn & Hyd:
Washington D.C
18th Feby 1856.

Sir,

The Bureau has received your report of practice, dated 17th Dec 1855,
The practice made upon target, at 500 yards, is very good, and the rewards properly bestowed. The charges used in the guns is not stated.
No effort should be spared to incite the men to excel in accurate practice, particularly the Captains of the guns. Besides which you will please to make a selection from them, of a few of the most intelligent, young and able seamen, who, at the expiration of the cruise, may, if they desire, be transferred to the Ordnance Department here, to complete their instructions in gunnery.
Shells are always to be loaded when fired, never used as hollow shot, the latter are to be fitted & expended before the boxed shells;
Second fuzes are to be preferred for distances not exceeding 1200 or 1300 yards, being the most certain.
It is always well to use as large a target as the case admits of, and a size of 10 feet high by 20 wide, is preferred, because a target of this magnitude is used at the experimenting battery of the Washington Navy Yard; and a means of comparison with a fixed standard are thus obtained.
for general practice in the service.

886

The

The material of the target is common muslin stretched on a light frame of two upright poles with one across.

The time made in embarking & debarking the boat howitzer is very good, and the Bureau is pleased to notice the attention you have given to this matter.

The practice with shell & shrapnel, should not however be omitted.

Your observations upon the Ordnance equipment of the Br: ships are acceptable.

Measures are being taken for substituting rifled muskets for the service; and we are in possession of a better rocket than the Congreve, but their use in Naval service does not seem from extensive practice here, or from the operations of the English in the present war to compensate for the dangers to those who employ them.

With respect to the graduation of lights, it is known that the processes employed here for that purpose, together with the results are more precise than those obtained in the "Excellent" gunnery ship; and the reports from different ships in our Navy concur in their testimony as to the correctness of the graduation.

As the officer in charge of this work prefers the general use of full charges, even when the object is not very distant, he has limited the graduation to that charge lest the men might be confused by a multiplication of figures on the bar. It may be however that when the ship you command left the United States the graduation of the 32 pounders of 42 cwt, was not established though it has been effected since

Yr obt Svt

(Signed) Jos Smith

Commander Theodorous Bailey U.S.N.
Comdg U.S.S. St Marys
Pacific Ocean.

n. It may be however that when the
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By order
(Signed) Jos Smith

mmander Theodorous Bailey U.S.N.
Comdg U.S.S. St Marys
Pacific Ocean.

Navy Department

April 21st 1856.

Commander

Andrew H. Foote

Commanding the United States

Sloop of War "Portsmouth",

Norfolk, Va.

Sir,

The Department having assigned you to Command the United States Sloop of War "Portsmouth", you will, so soon as she is in all respects ready for Sea, make Sail upon, and proceed in her, by the way of the Cape of Good Hope, to Hong Kong in China.

Upon meeting with the Flag Ship of the United States Squadron, in the East Indian and China Seas, either on your passage, or at any port of the Station, you will report yourself and Ship to Commodore James Armstrong, Commanding that Squadron, or to the Senior Officer, in the absence of the Commodore, as forming part of your Squadron in those Seas.

On your passage out you will bear in mind your general duties as the Commander of a Vessel of War of the United States - to protect the Citizens, Commerce and interests of your Country to the fullest extent in your power.

The primary objects of the Government of the United States in maintaining a Naval Force in the East Indian and China Seas, are

the

the protection of our valuable trade with China and the Isles of India, and our whale fisheries; to enlarge the opportunities of commercial intercourse and to increase the efficiency of our Navy by affording active Service to the Officers and crews of the Vessels ordered to that Station. To these objects you will pay unremitting attention, under the more detailed instructions of the Commander of the Squadron.

The Department enjoins on you to carefully refrain from the exercise of undue prejudice or partiality towards any under your command. An observance of strict impartiality towards all will best promote the harmony and efficiency of your command.

The recent adoption of the Apprentice System originated in the desire of the Department to assist up and gradually multiply the number of American Seamen. I cannot too earnestly impress upon you the importance of diligent and active Cooperation on your part to effect this result. I commend, therefore, the Apprentice boys and the Departmental regulations in regard to them to your special attention.

On entering any harbor or meeting with any public Vessel, bearing the Flag of a Nation in amity with the United States, you will be careful to manifest the usual courtesies.

You

You will enjoin on all under your Command to abstain from violating the Commercial or Municipal laws or regulations of the places they may visit, and to avoid giving any the least ground of complaint.

No acting appointments are to be made by you without the approbation of the Commander in Chief of the Squadron and none will be valid unless confirmed by the Department.

No acting of petty Officers will be allowed, except such as are provided for and designated in the complement table approved July 30th 1854 and those specially authorized by the Department.

The Messrs Baring, Brothers & Co. of London will honor the drafts of the Purser of your Ship, drawn in your favor, for such sums as may be needed during your absence from the Flag Ship. The bills should be for small amounts, drawn at sixty days sight, and each Set of Exchange should bear a distinguishing mark or number. Should it be found more convenient and advantageous to negotiate bills on the United States you will instruct your Purser to draw in your favor on the Department payable at Sight.

Before sailing from Norfolk you will cause a complete Muster roll of the Officers and crew of the "Portsmouth" to be transmitted to the Department as required by the 29th Article of the "Act for the better government of the Navy

of

of the United States" approved April 23 1800. and subsequent lists will be forwarded as directed by the Circular order of the 10th of July 1846. A separate list of the Officers must also be transmitted.

Herewith you will receive instructions in relation to a Special Service assigned you to be executed on your way to the East Indies.

Tendering you, and those under your Command, my best wishes for a pleasant Cruise and safe return to Country and friends,

I am
Very respectfully
Your Obed. Servt
J. C. Dobbin
Secretary of the Navy

Sailing Orders
Secty of the Navy
Sept 21st 1846

8185

Navy Department
April 23rd 1856

Sir,

In addition to your regular Sailing instructions I have considered it proper to direct you to deviate somewhat from the usual direct course and proceed on the East Coast of Africa to visit an Island represented to this Department as uninhabited and as not heretofore claimed either by right of discovery or occupancy. I enclose you Copies of papers purporting to show the Species to exist on the Island. It is said to be covered with Guano possessing the fertilizing qualities of the best Peruvian. This article you are aware is in great demand in the United States, and if the facts represented should be realized as true your visit may possibly result greatly to the advantage of the Agricultural portion of your Countrymen.

While it is desirable that you should make the visit to the Island you are authorized to abandon it if at the time you consider it hazardous to the health of your men or the safety of the Ships. for leaving your command to do it

I send you for your guidance a Copy of instructions sent to Commodore Mervine in regard to a similar enterprize in the Pacific.

Very respectfully
Yr. Obt. St.
J. C. Dobbin

Commander
Andrew H. Foote
Comm'd U.S.S. Portsmouth
Norfolk, Va.

890

See letter of Oct. 20, 1855 Dobbin to Mervine # 882-843

Copy.

Navy Department
April 26th 1856.

Sir,

A difficulty having arisen between the United States Consul and the British authorities at Hong Kong growing out of the denial by the former of the jurisdiction of the latter over a case of complaint brought by one of the Crew of the American Ship "Reindeer" against her Captain for battery and false imprisonment and his assertion of the claim of "Sole jurisdiction" over the case, - the President (after considering the occurrences and the course pursued by the Consul) has directed that his views be communicated through the Secretary of State to Mr. Keenan the Consul; - and as a distinction is made in the discussion of the subject, as to the application of the doctrine of Exterritoriality, whether to National armed Ships, or private or Merchant vessels, it is deemed proper to bring to your notice that distinction. A copy of the letter of the Secretary of the State to this Department of the 21st inst. and a copy of his dispatch to Mr. Keenan of the 14th inst. are herewith enclosed.

I am very respectfully
Yr. obt. St.
(Signed) J. C. Dobbin.

Commo.
Jas. Armstrong
Com'g U. S. Squadron
East India & China Seas.
Hong Kong, China.

True Copy
Wm. L. Ache
Capts Clerk.

892

Copy

Department of State
Washington April 21. 1856

Hon. J. C. Dobbin
Secretary of the Navy
Sir,

Some of the Ships of our Navy were in the harbor of Hong Kong when the occurrences alluded to in the enclosed copy of a despatch to the United States Consul, Mr. Keenan, happened — and the Commanders of those Ships expressed a determination to sustain, by force, the powers claimed by that Consul in regard to American Merchant ships in that port. Fortunately, the occasion for doing so did not arise.

In regards to National armed Ships in the harbor of a Foreign Power, the doctrine of exterritoriality undoubtedly applies, but not to private or Merchant vessels, unless it has been conceded by treaty or the laws of the foreign Power to which the Port belongs.

It appears to me that the distinction should be brought to the notice of our Naval Commanders.

Where there has been no concession by treaty or otherwise, it is believed that a foreign Power has jurisdiction over the Merchant vessels in its harbor or littoral waters, to the extent stated in the enclosed despatch. I am quite sure our Courts could claim such jurisdiction as a matter of right over foreign Merchant vessels in the ports of the United States.

Yours truly
W. L. Marcy

893

[See letter of Apr. 26, 1856 Dobbin to Armstrong # 892]

Copy.

Department of State
Washington April 14. 1856

James Keenan Esq.
U. S. Consul
Hong Kong, China.

Sir,

The difficulty which has arisen between you and the British authorities at Hong Kong has been duly considered and I am directed by the President to communicate his views thereon. Though in passing upon the main question in dispute, the extent of your powers as a United States Consul at a port within the British dominions he is not able to concur in your views, yet he appreciates and commends your zeal and attention to the interests of American Commerce and to the protection of American citizens.

Hong Kong being a British colony the case differs very much from one of a similar character which might happen in any port of China. The power and jurisdiction of our Consuls in China are defined and regulated by treaty stipulations which do not apply to the English Port of Hong Kong.

I am apprehensive that while you have claimed for yourself as an American Consul larger powers than can be well sustained, the British authorities have, on the other hand exercised those which national comity usually yields, and should have been yielded in the case of Captain Nichols.

Most of the unpleasant occurrences which you have presented to the Department seem to have had had their origin in the conflicting opinions between you and the British authorities as to your powers and rights as Consul. You appear to have placed much reliance on the remarks of Mr. Webster in his letter to Lord Ashburton of August 1. 1842.

The case he was discussing differed in an essential feature from that of the Reindeer.

The Creole was taken forcibly by mutineers into a British Port, and Mr. Webster seems to have considered her in a different situation from that she would have been in had she voluntarily visited such port. If he meant to give a more general application to the rules he laid down, the authorities against him are so many and so strong as to render it impossible to sustain him. The law as to the jurisdiction in such a case, as that which you have presented, seems to have been settled by the United States Supreme Court in the case of Schooner "Exchange" (7 Cranch's Reports, 135). The general principle there laid down is that, "the jurisdiction of Courts is a branch of that which is possessed by the Nation as a Sovereign independent power. The jurisdiction of the nation within its own territory is necessarily exclusive and absolute. It is susceptible of no limitation which is not imposed by itself. All exceptions therefore to the full and complete power of a Nation within its own territories must be traced up to the consent of the Nation itself."

The Harbor of Hong Kong is British territory and it is not in dispute that the "Reindeer" was within that harbor. The British authority therefore had absolute jurisdiction over that

[See letter of Apr. 26, 1856 Dobbin to Armstrong # 892]

vessel while so situated, and over all on board of it, unless that authority has in some way been limited.

Limitations are imposed by treaties and established usage of Nations. The question here to be determined is whether Great Britain has in any way surrendered her general jurisdiction over Merchant vessels freely and voluntarily entering her ports, or that of Hong Kong in particular, for trade or any other purpose.

I cannot find that She has ever done so, and I am not therefore able to sustain the position you assumed that you had "Sole jurisdiction" over the case of the "Reindeer" and that the local civil court could not interpose in that matter.

The United States have no treaty with Great Britain which applies to the case.

The Supreme Court, through the whole course of the opinion in the case of the Schooner "Exchange" concede and admit that merchant vessels in a foreign port are not exempt from the jurisdiction of the Country.

It says, "they [public armed vessels] it may be urged are in the same condition with merchant vessels entering the same port for the purposes of trade who cannot thereby claim any exemption from the jurisdiction of the country." Again the Court remark, "Since it is admitted that private ships entering without special license become subject to the local jurisdiction, it is demanded on what authority an exception is made in favor of Ships of War."

[See letter of Apr. 26, 1856 Dobbin to Armistead + 892]

Still more explicit is its language in the following Extract:-

"When private individuals of one nation spread themselves through another, as business or caprice may direct, mingling indiscriminately with the inhabitants of that other, or when merchant vessels enter for the purpose of trade, it would be obviously inconvenient and dangerous to society, and would subject the laws to continued infraction, and the Government to degradation, if such individuals or Merchants did not owe temporary and local allegiance, and were not amenable to the jurisdiction of the Country."

Throughout the elaborate decision of the Court in the case of the Schooner "Exchange" it is assumed that the jurisdiction of a Country extends over a foreign Merchant vessels in its harbors.

There are several other cases, which announce and sustain the same principle, as to the jurisdiction of the Country over a foreign Merchant or private vessel in its harbor, as that contained in the case of the Schooner "Exchange" and the doctrine is approved by elementary writers. One of the most learned and eminent of our Judges has given explicit sanction to the same doctrine. Judge Story (Conflict of Laws) says, "On the contrary every nation has an exclusive right to regulate persons and things within its own territory according to its own Sovereign will and public policy." This view of the law is fully sustained by Ortolan a French writer of much repute in his "Diplomatie de la Mer."

He maintains that "it must be acknowledged by the universal Law of Nations that the Ports and Roads belong in complete property to the

, Nation possessing the coasts or shores which form them, and the word property here must be understood in its most extended acceptation.

, This right is a consequence of the very situation of these places, and the territorial sovereignty under which the Ports and Roads are necessarily placed as dependencies, so that in regard to them there is at the same time the right of property and the right of Empire united."

Again he says, "the Nation that possesses a Port or Road can subject foreign vessels there to such laws and to such regulations as it pleases to establish."

There is in my mind no doubt that the State and federal Courts of this Country could if they chose to do so, and would, on any proper occasion, exercise jurisdiction over any Foreign Merchant vessel and its Company in any of our ports even in regard to transactions which might take place within our territory between the members of that Company, and they would not yield to the claim of a foreign consul to surrender that jurisdiction as a matter of right. I do not think that their refusal to make such a surrender if complained of by a foreign power, would be regarded as a National grievance by this Government.

If you had the authority you claimed in the case of the Reindeer, it must be derived from concessions by Great Britain, express or implied. I have not been able to find any evidence of such concession, but much to show that none of that character have been made by her.

In one of the last Books written and published in England upon international law, (Phillemore's Commentaries) I find this passage which seems entirely to cover the case in dispute. "With respect to Merchant or private vessels the general rule of law is, that, except under the provisions of an express stipulation, such vessels have no exemption from the territorial jurisdiction of the harbor or port, or, so to speak, territorial waters, in which they lie."

It is true that France has, in this respect, made some liberal concessions in favor of private Ships: but we must look to British concessions to justify the claim you asserted in the case of the Reindeer, as the transaction took place in a British port, and I have looked in vain for them.

It is desirable, I think, that they should exist, particularly in remote countries, where annoyances to trade are more likely to occur by the interference of civil Courts: but the question which you have raised must be settled upon the law as it is, rather than on what it ought to be. I am, however, disposed to think that the State Governments of this Union, would be unwilling to have the immunities of Extraterritoriality given to all the private or Merchant Ships, and their crews, which visit our numerous harbors, and we could not with propriety ask from other Nations, in this respect, what we would not in turn grant to them.

On a considerate view of the case, the President is constrained to come to the conclusion that you had not the jurisdiction you claimed over the case of the Reindeer, and that the civil authority at Hong Kong had the right to take cognizance of the charge which Madison brought before it against Captain Nichols.

 The manner of conducting the prosecution was

apparently exceptionable, and afforded an ostensible ground of complaint.

Though there is a dispute about many of the facts with respect to this point in the case, it is not denied that officers of the Police went on board of the Reindeer, and, without a written warrant, took John Medson from the vessel, who had shipped as Carpenter, and was there confined. Unusual as this proceeding appears, it is alleged that it was authorized by an existing law or ordinance, to which a particular reference is made, but a copy of it is not found among the papers sent to this Department, and I am not, therefore, able to say that it is not, in effect, what it is alleged to be.

Having sovereign dominion over the place, British authority would be competent to make an ordinance conferring on Police Officers the right to enter a vessel in a British port, and make an arrest of a person charged with an offence on board without any written process for that purpose. The proceedings in this respect, appear to have been extraordinary, yet I am not able to pronounce them illegal.

If obliged to yield the point, as I think we are, that the Reindeer and her crew, while in the harbor of Hong Kong were subject to the civil authority of the place, we cannot question its right to take cognizance of the charge of Medson against Captain Nichols for the alleged battery and false imprisonment. I do not, therefore, perceive upon what ground the objection, which was taken in his behalf, to the jurisdiction of the Court, can be sustained.

It is to be regretted that Captain Nichols did not recognize the authority of the Court and present to its consideration his defence.

Had he taken that course and shown, as probably he could, that he had, in his treatment of Madison, done nothing more than proper discipline required, all subsequent unpleasant occurrences might have been avoided. As the matter now stands, it is not perceived what complaint of wrong, this government can present to the consideration of Great Britain for redress on account of the arrest and proceedings against Captain Nichols. On any such complaint, the British Government would set up, and be able to sustain the jurisdiction of the court at Hong Kong, and, as Captain Nichols denied its jurisdiction, and refused to appear and make his defence, it would be scarcely possible to impeach the sentence against him. In order to make it a case of national wrong, it will be necessary to show that the court had no jurisdiction, or that it perverted its powers, and acted, not only erroneously, but corruptly.

As the case is presented here I do not believe that on either ground an application for satisfaction can be sustained.

If Captain Nichols was in the custody of the law, as he certainly was, if the Court had jurisdiction over the case, then it was an offence to aid in his rescue.

In the foregoing remarks I have considered the questions raised in this case with reference to strict international rights for in this light only could they be properly regarded when made the subject of National grievance for which redress is to be demanded.

Though the strict right of the civil authority at Hong Kong to entertain Madison's complaint and investigate the charge against Captain Nichols

cannot be successfully questioned, yet inasmuch as the affair related to the discipline on board of a foreign vessel, and the offence, if any there were, was an abuse of the Captains power, courtesy and national comity should have led the authorities at Hong Kong to decline to act in the case, referring the matter to the Government to which the vessel belong.

Whether Captain Nichols had or had not exceeded the limits of the powers with which he was invested, as Captain of the Reindeer over the crew, in his treatment of Madison, might with great propriety have been left to the determination of the Courts of the United States. Had the case been put on this ground, it is to be inferred from the letter of W. T. Mercer, Esqr. Colonial Secretary, of the 25th October last, that the object you had in view might have been attained, but your denial of the jurisdiction of the Civil Court at Hong Kong brought up the question of strict right and it appears to the President that the decision cannot be regarded as erroneous, though the consequences which have resulted from the interposition of the Court are to be regretted.

It is probable that the subject may be presented to the British Government with a view to some arrangement which may prevent similar mischief, in cases of difficulties which may occur on board of our Merchant vessels between the Officers and crews in British Ports.

While preparing this despatch, unofficial information has been received that the proceedings against you for being concerned in the rescue of Captain Nichols have been abandoned. The ground for the discontinuance of those proceedings is that the Usher had not the legal custody of Captain Nichols, because he had not been furnished with a written Warrant to hold him in custody.

Upon examination of the evidence you have furnished to the Department though conflicting it does not appear sufficient to sustain the charge against you of having aided in the rescue, if Captain Nichols had been legally in custody.

Though this course towards you may be regarded as an act of discourtesy, yet all the circumstances considered, it can hardly be treated as an outrage.

While I am obliged to differ from you in regard to the extent of your powers as United States Consul and therefore your expectation cannot be met as the measure of redress which this Government ought to claim of that of Great Britain, I bear willing testimony to your good intentions, to your vigilance and perseverance in discharging your official duties.

I am, Sir, respectfully
Your obdt. Servt.
(signed) W. L. Marcy.

(Copy)

Navy Department

April 26th 1856

Hon James C. Dobbin

to

Commodore Armstrong

Enclosing Mr. Mann's

letter on the Kearsarge Case.

Dimensions of the Masts & Spars of the U.S. Sloop Portsmouth April/51

	Length		Dia		Head &c	
	fe.	ins.	ins.	fe.	ins.
Main Mast	83.	9.	30.	15.	"
" Topmast	50.	"	16.	8.	"
" Topgallant mast	25.	"	9½	"	"
" Royal mast	17.	"	7.	"	"
" Pole	7.	"	5½	"	"
Fore Mast	76.	"	29.	14.	9.
" Topmast	48.	6.	16.	8.	"
" Topgallant mast	25.	"	9½	"	"
" Royal mast	17	"	7.	"	"
" Pole	6.	6.	5½	"	"
Mizen Mast	64.	9.	20.	11.	"
" Topmast	37.	"	12½	6.	"
" Topgallant mast	18.	"	7.	"	"
" Royal mast	12.	6.	5¾	"	"
" Pole	5.	"	4.	"	"
Main Yard	80.	"	19½	3.	6.
" Topsail yard	61.	"	14¾	5.	6.
" Topgallant yard	37.	8.	8.	2.	"
" Royal yard	24	10.	5.	1.	"
Fore Yard	73	8	18		
" Topsail yards	53.	4.	14.	5.	"
" Topgallant yard	36.	2.	7½	2	"
" Royal yard	24.	"	5.	1.	"
Cross Jack yard	55.	"	13¼	5.	"
Mizen Topsail yard	39.	"	9.	3.	6.
" Topgallant yard	26.	"	5.	1.	3.
" Royal yard.	18.	"	3½	"	9.
Bowsprit out 32 feet	47.	"	26.	"	"
Jibboom out to 8 25 feet	41.	"	14.	23	
Flying Jibboom out to 8 15	42.	6.	9.	5	6

899

Portsmouth Continued

	Length ft	Length ins	Dia ins	Heads &c ft	Heads &c in
Spanker boom	44.	"	9½	3.	"
Spanker Gaff	33.	"	7½	4.	4.
Main Gaff	20.	"	7.	1.	"
Lower Studding sail boom	47.	3.			
" " " yard	22.	6.			
Main Topmast " boom	47.	"			
Fore " " boom	34.	4			
Main Topgall[t] " boom	32.	"			
Fore " " boom	29.	"			
Main Topst Studg sail yard	24.	3.			
Fore " " " yard	23.	"			
Main Topgall[t] " " yard	17.	3.			
Fore " " " yard	16.	"			

General Order No 1

H.M.S. Flag Ship "San Jacinto"
Hong Kong, June 17th 1866.

In consideration of the constant exposure of Officers to the excessive heat of the Sun in the East Indies, the Commanders of the Ships of the Squadron under my command, may permit the "Regulation White Jacket" (without buttons on the sleeve) to be worn as "Service dress" by Officers in charge of the deck. Likewise a White Coat known as the double breasted pilot coat may be worn in lieu of the "Regulation Straw hat."

Jas. Armstrong.
Com.dg H.M. National Forces
East India & China Seas.

To the,
Commanders
of Ships composing the
H.M. East India Squadron.

Commander A.H. Scott
Com.g H.M. Ship Portsmouth,

U. S. Flag Ship "San Jacinto"
Hong Kong, June 17th 1856.

Commodore James Armstrong
Commanding U. S. Naval Forces
East Indies & China Seas

General Order No 1. Permitting the use of pith hats and white jackets

General Order, No. 2.

U. S. Flag Ship "San Jacinto"
Hong Kong, June 23d 1846.

Surgeons and Pursers who rank with Commanders, by the General Orders of the Navy Department, Dated August 31st 1846. and May 27th 1847, will receive the same honors on all occasions, that are given to Commanders.

Jas. Armstrong
Com'dg U.S. Naval Forces
East India & China Seas.

To the
Commanders
of Vessels Composing the
U. S. East India Squadron.

Genl Orders Mak Surgeons
& Mates of over 12 years to
receive Common hours.

months from this date.

I am.

Very respectfully
Your Ob't Servt.

Jas. Armstrong.

Com'dg U.S. Naval Forces
East India & China Seas.

Commander
Andrew H. Foote
Commanding U.S. Ship "Portsmouth"

RECORD.
Sold by
John C. Clark
68 Dock St.
Phila.

905

U. S. Flag Ship "San Jacinto",
Hong Kong July 4th 1856.

Commodore James Armstrong
Commanding U. S. Naval Forces
East Indies & China seas.

Orders to remain at Hong Kong,
&c.

Charges and specifications of Charges preferred by Commander Henry H. Bell, Commanding United States Steam Frigate "San Jacinto" against E. S. De Luce First Assistant Engineer United States Navy and on board said steam Frigate "San Jacinto"

September 17th 1856.

Charge First

Neglect of duty

Specification: That the said E. S. De Luce First Assistant Engineer, being on duty in the Engine room of the said Steam Frigate "San Jacinto" at Sea, between midnight and 4 o'clock A.M., on or about the 10th day of August 1856, when the said steam Frigate "San Jacinto" was engaged in rendering assistance to a sunk vessel in distress, did receive several repeated orders from the Quarter deck to "go ahead faster" and to "give more steam", but the said E. S. De Luce did delay an unusual and unnecessary time before he obeyed the said orders, and thus made imminent a collision of the said steam Frigate "San Jacinto" with the said sunk vessel lying at an anchor at sea.

Charge Second

Disobedience of orders

Specification: That the said E. S. De Luce First Assistant Engineer was called about 6 o'clock of the morning on or about the 11th day of September 1856, to take his station at the Engines, when

it was "all hands to weigh anchor" and did reply "I will not get up; I had the watch last night", or words to that effect.

That First Assistant Engineer A. Lawton then repeated to the said First Assistant Engineer E. S. DeLuce, that the said E. S. DeLuce's services were wanted at the Engines, and the said E. S. DeLuce replied "I will not get up, and you may report me to the Captain"

That the said E. S. DeLuce was then next informed that it was the order of the First Lieutenant that he the said E. S. DeLuce should turn out and take his station at the Engines, and the said E. S. DeLuce answered, "I will not get up, you can put an Oiler to assist the Engineer of the watch; you may report me to the Captain if you please" or words to that effect

Charge Third

Using provoking and reproachful language and gestures to his superior officers.

Specification: That the said E. S. DeLuce - First Assistant Engineer did on or about the 11th day of September 1856, shake his finger in the face of Andrew Lawton, First Assistant Engineer and then in command of the Engineer Department on board the said Steam Frigate "San Jacinto" and say to the said Andrew Lawton, "I will have satisfaction out of you yet — that is all you can do, — Report! — you are a damned coward — You dare not refer it to the Mess" or words to that effect

(signed) H. H. Bell
Commander

Witnesses

Andrew Lawton	1st Assist Engineer
H. H. Lewis	Lieutenant
J. C. Ritter	Gunner
S. Seaman	Sail Maker
Wm S. Ashe	Capts Clerk
H. N. Edmunds	Pursers Clerk
H. W. Spooner	2d Assist Engineer
Jen Eyck Boles	3d "
A Vanden Heuvel	Commodores Secy
James W. Marble	Fireman
Edward Rooney	Boy

The foregoing charges and specifications of charges are approved.

(signed) Jas Armstrong
Commd'g U.S. Naval forces
East Indies & China seas

Manuscript # 908 released 6/4/84 RWS

Executed 6/4/84 AHO

(Copy)

To

Lieutenant Henry K. Davenport, United States Navy.

By virtue of the authority contained in the act of Congress "to provide a more efficient discipline in the Navy", a Summary Court Martial is hereby ordered to convene on board this Ship, at 9. 30 a.m. on Tuesday the Twenty-third day of September A. D. 1856, for the trial of John G. Stewart, Acting Master's Mate, and of such other persons as may legally be brought before it.

The Court will be composed of the following Officers, viz-

Lieutenant Henry K. Davenport,
Lieutenant George E. Belknap,
Master Francis E. Shepperd,
Members, and
Lieutenant of Marines William W. Kirkland,
Recorder.

(Signed-) Andrew H. Foote
Commander
U. S. Navy.

United States Sloop of war "Portsmouth",
Hong Kong, China,
September 22d 1856.

Charge and Specification of Charge preferred by Commander Andrew A. Poole U. S. Navy, Commanding the U. S. Sloop-of-war "Portsmouth", against John G. Stewart (acting Master's Mate,) and serving on board said Sloop-of-war "Portsmouth".

Charge - Drunkenness.

Specification - In this that the said acting Master's Mate John G. Stewart was on the night of the thirteenth of September A. D. 1856, found in a state of drunkenness asleep in the Port Round House, where he had been vomiting or making a noise similar to that made when a person is vomiting.

(Signed -) Andrew A. Poole
Commander
U. S. Navy.

U. S. Sloop-of-war Portsmouth,"
Hong Kong, China,
September 22d 1856.

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Proceedings of a Summary Court Martial convened on board the United States Sloop of war Portsmouth at Hong Kong in China, on the 23d day of September A.D. 1856, for the trial of John G. Stewart (acting Master's Mate), by virtue of the order hereunto attached.

At 9.30 A.M. Sept 23d 1856.

The Court met pursuant to the above order;

Present.

Lieut Henry K. Davenport,
Lieut. Geo E. Belknap,
Master Francis E. Sheppard
Members.

Lieut William W. Kirkland (Marines)
Recorder.

John G. Stewart (acting Master's Mate), also present.

The Recorder having read the order convening the Court asked the accused if he had any objection to any member named therein; to which he replied No!

The Court was then duly sworn by the Recorder and the Recorder was duly sworn by the presiding officer of the Court.

The accused made request that Purser John V. Dobbin act as his Counsel, — which was acceded to by the Court.

The Charge and Specification was then read aloud to the accused by the Recorder.

The Recorder addressed the accused John G. Stewart: "You have heard the Charge preferred against you; how say you? Guilty? or not Guilty?: to which the accused John G. Stewart replied as follows:

follows,- Not Guilty.

Edward Rayment, (Marine), a witness on the part of the prosecution was duly sworn.
Question by the Court,-
State what you know of the charge and specification preferred against John G. Stewart, (acting Master's Mate.)
Answer:- About the time specified in the Charge, Mr. Stewart came forward and went into the round house,- he came out of the round house - and returned again in about ten minutes,- he remained in the round house about 15 or 20 minutes. I heard him vomiting while in there. Soon he was quiet. Thinking that he was asleep I remarked to Sake (Boats's Mate.) that I thought Mr. Stewart was asleep in the round house. I asked Sake to go and awake Mr. Stewart if he was asleep. Sake did so, and Mr. Stewart came out of the round house and walked down the port gangway. I did not see Mr. Stewart again while I was on post.
Question by the Court:
Did Mr. Stewart stagger as he walked down the gangway?
Answer:- I did not observe that he did.
Question by the Court:
Was Mr. Stewart drunk?
Answer:- He staggered when he went into the round house.
Question by the Court:
Did you observe any thing else in Mr. Stewart to induce the belief that he was drunk?

Answer:

Answer: I did not.
Question by the accused:
What time
to the round house, in the
Answer: Shortly after 11
Question by the accused:
Are there
about the door of the round
Answer: None are.
Question by the accused.
Do going in
Mr. Stewart was compell
prisoner - was he not?
Answer: He was.
Question by the accused
When Mr. St
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Answer: He did not.
Question by the accused:
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Answer: They are, and
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James Sinus (Corp? Macin
part of the prosecution, was
Question by the Court:
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heard read.
Answer: I saw Mr. Stewar

Answer: I did not.
Question by the accused:
What time did Mr. Stewart go to the round house, in the first instance?
Answer: Shortly after 11 p. m.
Question by the accused:
Are there not prisoners lying about the door of the round house?
Answer: There are.
Question by the accused:
In going into the round house, Mr. Stewart was compelled to step over the prisoners - was he not?
Answer: He was.
Question by the accused:
When Mr. Stewart came out of the round house, did he require any assistance in walking?
Answer: He did not.
Question by the accused:
Are persons not liable to stumble over the prisoners lying about the door?
Answer: They are, and I have frequently ordered the prisoners to get out of the way.—
The testimony having been read over to the witness was pronounced correct.

James Linus (Corp? Marines), a witness on the part of the prosecution, was duly sworn.
Question by the Court:
State what you know of the charge and specification which you have heard read.
Answer: I saw Mr. Stewart walking forward about

about 10. 30 p. m. It appeared to have been drinking, by his walk. About 10. 45 p. m. I visited the scuttle, and he (the scuttle), remarked to me that there must be a plenty of liquor in the steerage for Mr. Stewart was in the round house drunk. He (scuttle) told me that he had called Lake (Boatswains Mate) to assist him (Stewart) below.

Question by the Court:

Did you see Mr. Stewart when he went in to the round house, while he was in there, or when he came out?

Answer: I did not.

Question by the Court:

How near to you did Mr. Stewart pass when he went below?

Answer: I was standing at the gangway ladder, and Mr. Stewart passed between me and the main Latch.

Question by the Court:

Did you speak to him?

Answer: I did not.

Question by the Court:

Were there any persons lying in the gangway?

Answer: There were.

Question by the Court:

Do you think his staggering was owing to his having in liquor or to his having to avoid stepping on the prisoner lying in the gangway?

Answer: I think it was owing to his having in liquor.

Question by the Court:

Did

Did you observe any thing else to induce you to believe that Mr. Stewart was drunk?
Answer: No.

The testimony having been read to the witness was pronounced correct.

John Lake, (Boats'ns Mate) a witness on the part of the prosecution was duly sworn.
Question by the Court:
State what you know concerning the charge and specification which you have heard read.
Answer: When I came on deck, I asked the sentry what the time was; he replied about 11.30 p.m., and then asked me to go into the round house and wake Mr. Stewart as he was in there asleep; I did so, - found him asleep, and awoke him. Mr. Stewart then went below.
Question by the Court:
Was Mr. Stewart drunk?
Answer: I thought he was.
Question by the Court:
Did you speak to him?
Answer: I told him the round house was no place for him to sleep in; to which he replied - all right, I will go below.
Question by the Court:
Did you assist him to go aft?
Answer: I did not.
Question by the Court:
Did he stagger any when he

he walked aft?
Answer: I did not notice whether he did or not.
Question by the Court:
Did you observe that he had vomited in the round house?
Answer: I did not.
Question by the Court:
What induced you to believe he was drunk?
Answer: The fact of his being in the round house asleep.
Question by the Court:
Was he lying down or sitting down?
Answer: He was on his hands and knees with his head downwards.
Question by the accused:
You think he had been sitting upon the seat and had fallen off?
Answer: Yes.
The testimony having been read over to the witness was pronounced correct.

Robert Groves (Chaplain), a witness on the part of the defence was duly sworn.
Question by the Court:
State what you know concerning the charge and specification which you have heard read.
Answer: On the night on which it was said Mr. Stewart was drunk, I was with him on the forecastle, and conversed with him, and saw no signs of intoxication. I think it was in the neighborhood

neighborhood of Eleven o'clock. Mr. Stewart left Mr. McAvoy and myself on the forecastle. I saw no more of him that night.

Question by the accused:

You saw no signs of intoxication either in conversation with him, or when he walked away?

Answer: I did not.

Question by the accused:

You have often seen men intoxicated, have you not?

Answer: I have, and think I am a pretty good judge of the article.

Question by the Court:

About what time was it when you last saw Mr. Stewart?

Answer: To the best of my recollection, I think it was after 11 o'clock.

The testimony having been read over to the witness was pronounced correct.

Peter McAvoy (acting Master's Mate), a witness on the part of the defence was duly sworn.

Question by the Court:

State what you know concerning the charge and specification which you have heard read.

Answer: On the night specified I was on the forecastle in company with Mr. Stewart and Mr. Irwin. After Mr. Irwin had been there a short time, Mr Stewart went away. Mr. Irwin and I remained, after Mr. Stewart left, about an hour.

When

When I came below to turn in, I found Mr. Stewart sitting upon Mr. Girin's cot. I asked him if he had not turned in yet; he replied No: that the night was warm, that he had fallen asleep in the round house, and that Lake had awoke him. I told him that he had better turn in, and he did so.

Question by the accused:

Was Mr. Stewart intoxicated when you were with him on the forecastle?

Answer: He was not.

Question by the accused:

How long was it after Mr. Stewart left you on the forecastle, before you found him sitting on Mr. Girin's cot.

Answer: About an hour.

Question by the accused:

Was Mr. Stewart sober at this time?

Answer: He was.

Question by the Court:

Were there any evidences of his having been drunk?

Answer: There were none. He appeared to me to be perfectly sober.

Question by the Court:

Did he give any reason for having been asleep in the round house?

Answer: He said he had been on deck all day, that he was tired and sick, that it was cool and he fell asleep.

Question by the Court:

Did he go to bed when you did?

Answer:

Answer: I believe he did.
Question by the Court:
Do you know that he had any means of getting drunk?
Answer: He did not, to my knowledge.
The testimony having been read over to the witness, was pronounced correct.

George Livingston (Chief's steward), a witness on the part of the defence, was duly sworn.
Question by the Court:
State what you know concerning the charge and specification which you have heard read.
Answer: I was on the forecastle on the evening specified, in company with Mr. Stewart, Mr. Brown and Mr. McAvoy. I think it was about 11 p. m. I remarked that I was going below to turn in. Mr. Stewart said he was going also, but would go to the round house first. He did go to the round house, and I left him and went below.
Question by the accused:
Did you perceive any signs of intoxication in Mr. Stewart?
Answer: I did not.
Question by the accused:
Did Mr. Stewart show any signs of intoxication when he went into the round house?
Answer: He did not.
Question by the accused:
Did you see him again during the night?

Answer:

Answer: No.
Question by the Court:
What time was it when you parted with Mr. Stewart?
Answer: It was past five bells.
Question by the Court:
Did he complain of being unwell?
Answer: He did in the afternoon.
Question by the Court:
When he was on the forecastle, did he complain of being unwell?
Answer: I do not recollect.
Question by the Court:
Do you know if he drank anything during the day?
Answer: I do not.

The testimony having been read over to the witness, he pronounced it correct.

The evidence in the case being concluded, the accused was asked if he had any defence to make: to which he replied that he did have a defence to make.

The Court having heard the defence, was cleared for a finding; and, having maturely considered the evidence adduced, find the accused, John O. Stewart, (acting Master's Mate,) as follows:—

Of Specification — Guilty in so far only, as being asleep in the round house

Of Charge — Not Guilty.

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The Court do therefor acquit the accused John G. Stewart, (Acting Master & Mate,) of the charge preferred against him.

(Signed) N. K. Davenport, Lieut.
(") Geo. E. Belknap, Lieut.
(") P. C. Sheppard, Master.

(Signed) Wm H. Kirkland,
Lt U. S. Marines
Recorder.

United States Sloop of war Portsmouth,
Hong Kong, China.
September 23rd 1856.

There being no further business before them, the Court adjourned to such time as they shall be called together by the Officer ordering the Court.

(Signed) N. K. Davenport, Lt.
Senior Offr.

(Signed) Wm H. Kirkland
U. S. Marines,
Recorder.

The finding of the Court ——————
"of Specification" —— Disapproved.
The finding of the Court ——————
"of Charge" —— Disapproved.

(Signed) Andrew H. Foote
Commr
U. S. N.

U. S. Ship Portsmouth
Hong Kong, Sept 24th 1856.

Having disapproved of the finding of the Summary Court Martial in the case of Acting Master's Mate, John G. Stewart, I will now proceed to comment on the proceedings, and assign my reasons for disapproving of the finding of the Court.

"Of Specification" - The Court says "Guilty in so far, only, as being asleep in the round house." - Whereas the testimony of Edward Rayment the first witness on the part of the prosecution reads: -

"Mr. Stewart came forward and went in to the round house; - he came out of the round house - and returned again in about ten minutes; he remained in the round house about fifteen or twenty minutes. I heard him vomiting while in there," &c.

To this direct testimony that the accused was vomiting, or, in the language of the Specification, that "he had been vomiting, or making a noise similar to that made when a person is vomiting," - there is no rebutting testimony, especially, to the last clause of the specification; and no reference whatever, to the vomiting, except in the testimony of John Lake (Boatswain's Mate) who in reply to the question by the Court - "Did you observe that he (Mr. Stewart) had vomited in the round house?," stated - "I did not."

It appears from the testimony of this witness that the accused went in to the round house, came out, and returned to the round house after the space of ten minutes. He (the witness) also states that the accused staggered when he went

went in to the round house; but it does not appear on the record, at which time he staggered, in going to the round house - the first or the second time.

The second witness, Corporal Sims, on the part of the prosecution, testifies that the accused appeared to have been drinking, by his walk; and in reply to the question by the Court - "Do you think his staggering was owing to his being in liquor, or to his having to avoid the prisoner lying in the gangway?" stated - "I think it was owing to his being in liquor."

This testimony is only adverted to, as tending to corroborate other testimony, referring to the state of Mr. Stewart when he was found in the round house: it has no direct bearing on the specification itself.

The third witness, John Lake (Boatswain's Mate) on the part of the prosecution, testifies that he found Mr. Stewart asleep - that he thought he was drunk from the fact of his being in the round house asleep - that "he was on his hands and knees with his head down wards."

I find no rebutting testimony tending at all, in my view of the case, to weaken the clear and strong testimony of this witness, who saw Mr. Stewart in the hours interval, during which time it does not appear that he was seen by any witness on the part of the defence.

The testimony of the Reverend Mr. Chivis, first witness on the part of the defence, that Mr. Stewart was sober, refers only to the time prior to his leaving the forecastle, and going to the round house; not to the

the hour's interval, wherein the witnesses on the part of the prosecution testify to the state and condition of the accused.

The testimony of Mr. Livingston (Ship's Steward,) third witness on the part of the defence, that he was with Mr. Stewart on the Forecastle and that he exhibited no signs of intoxication, also refers to the time prior to the accused entering the round house.

The testimony of Mr. McAvoy (acting Master's mate,) second witness on the part of the defence, is that he was with Mr. Stewart on the Forecastle at the time referred to by Mr. Cirin and Mr. Livingston, and that he (Mr. Stewart) was sober; also that he (Mr. McAvoy) rejoined Mr. Stewart below, in or near the steerage, after an interval of an hour, when he (the accused) was also sober.

It appears, therefore, from the testimony, in my view of the case, after an attentive examination of the record, that Mr. Stewart, the accused, was sober while on the Forecastle at the time referred to by the witnesses on the part of the defence, and was also sober when below, in or near the steerage, one hour after he left the Forecastle. On the other hand, it seems equally clear to my mind from the testimony of the three witnesses on the part of the prosecution, that Mr. Stewart, the accused, was drunk during the hour from eleven to twelve of the night referred to in the specification; and from the testimony of one or two witnesses, that he was asleep and drunk in the port

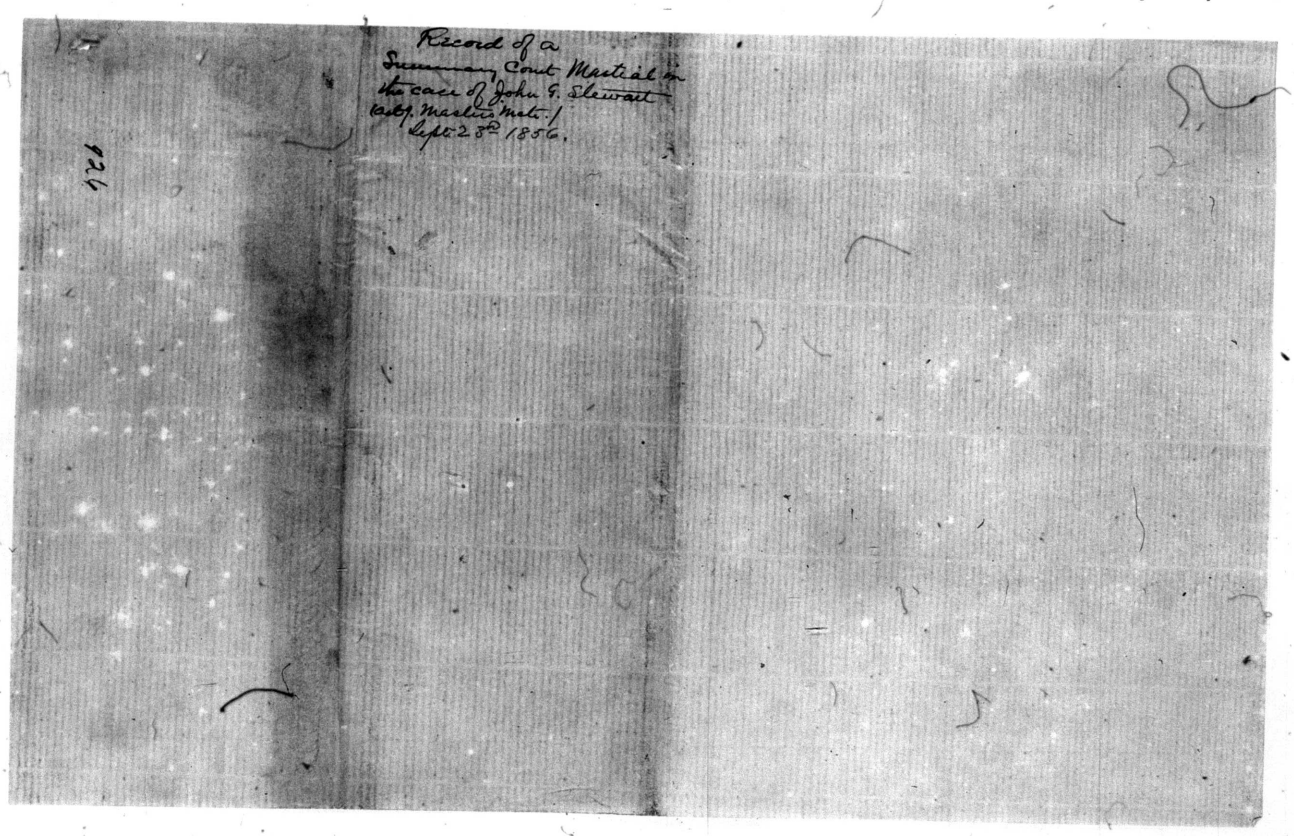
round

round house; and from the testimony of one witness, had, in the port round house, "been vomiting, or making a noise similar to that made when a person is vomiting." — Therefore I cannot, consistently with my duty, entertaining the views I have expressed, approve either of the finding in the specification or of the finding in the charge. But being fully impressed with the knowledge that men of superior judgment differ as to the nature and extent of evidence necessary to prove drunkenness, and in deference to the opinion of the Court, I exonerate Mr. Stewart, Acting Master's Mate, from his duty.

The Summary Court is hereby dissolved.

(Signed-) Andrew A. Poole
Commr U.S.N.

United States Ship "Portsmouth,"
Hong Kong, China.
September 25th 1856.


Record of a
Summary Court Martial in
the case of John G. Stewart
Asby. Marine Mate. /
Sept. 28th 1856.
926

U. S. Flag Ship "San Jacinto"
Shanghae, October 6th 1856.

Sir,

I enclose herewith sundry circulars and documents from the Navy Department for your guidance.

We have at this place reports of the approach of the revolutionists upon the City of Canton. If such is the fact it will be necessary to give to our countrymen and their property all the protection in our power. In such an event it will be necessary for you to proceed to Whampoa, the nearest safe anchorage to Canton, and where you can receive intelligence daily from that city. It is left to your own discretion and judgement how and when to act in the matter.

I hope to be at Hong Kong by the first of November.

I am respectfully
Your obt. Svt.
J. S. Armstrong
Com'g U.S. Naval Forces
East India & China Seas.

Commander
Andrew H. Foote
Com'g U. S. Ship "Portsmouth."

Shanghai October 6th 1856
U.S. Flag Ship "San Jacinto"

Commodore James Armstrong,
Commanding U.S. Naval Forces
East India and China seas.

Enclosing circulars &c; with
discretionary orders for Whampoa.

926

U. S. Flag Ship "San Jacinto".
Shanghae, October 17th 1856.

Sir,

On the receipt of this you will take on board the ship under your command provisions, Stores and Supplies for four months. When you have done so, you will proceed in the "Portsmouth" to this port - Shanghae - touching at the ports of Amoy, Foo Chow and Ningpoo. You will consult with our Consuls at each of those ports and render all the assistance in your power to our Countrymen, its Commerce and interests. You will also please collect all the intelligence, in relation to the affairs of China, you can obtain, that may be interesting to the government at home.

Previous to leaving Hong Kong you will please leave in charge of the U. S. Naval Storekeeper all the Reports which may be necessary for me to know and for you to make, with a copy of your Instructions from the Navy Department.

All Your Communications to me you will direct to Hong Kong, care of the Naval Storekeeper.

I am,
Very respectfully
Your Obt. Svt.

Js. Armstrong.
Com'g U. S. Naval Forces
East India & China Seas.

If the weather should prove stormy you may omit stopping at Ningpoo

Js. Armstrong

Commander
Andrew H. Foote
Com'g U. S. Ship
"Portsmouth".

929

U. S. Ship "San Jacinto"
Shanghae, October 17th 1856.

Commodore James Armstrong
Commanding U. S. Naval Forces
East India & China seas

Orders for the "Portsmouth"
to proceed to Shanghae.

930

U. S. Flag Ship "San Jacinto"
Shanghae, October 18th 1856.

Sir,

I see by the Navy Register that you have on board the "Portsmouth" five Lieutenants and a Master; if such is the fact, you will transfer one of the Lieutenants to the U. S. Ship "Levant" as she has only three officers of that grade on board.

Very Respectfully
Your obt. Servt.

Jas. Armstrong
Comdg U. S. Naval Forces
East India & China Seas.

Commander
Andrew H. Foote
Comdg U. S. Ship "Portsmouth."

U. S. Flag Ship "San Jacinto"
Shanghae, October 18th 1864.

Commodore James Armstrong
Commanding U. S. Naval Forces
East Indies and China seas.

Directing the transfer of a Lieutenant
to the "Iwanee".

Manuscript # 933, released 6/6/84 AHC

Copy

Commandants Office
Navy Yard Gosport
Nov 1st 1856.

Sir.

In conformity to the Bureau's directions in its letter of the 28th ultimo, enclosing a copy of a report from Capt Hoff of the "Portsmouth," I beg to enclose the letter of the Naval Constructor in explanation of that part referring to work in his Department; and offer the following statement of Commander Chas H. Poor who was at the time Ex. officer and temporarily Commandant of this Yard. He says, The tanks of the "Portsmouth" to the best of the recollection of those who stowed them are fitted like those furnished the Steamer "Powhatan" i.e. with lids having a flange to project over the edge of the man hole and when such covers are supplied the tanks it is not customary either to caulk or otherwise secure them; when on the contrary the covers are made to "seat flush" in the man hole, they are secured by paying them with pitch.

I am Sir
Very respectfully
Your Obt Servt
Thos A Dornin
Commdt

John Lenthall Esqr
Chief of the Bureau of
Construction Equipt &c
Washington D.C.

934

Copy

Naval Constr.ᵒ Office
Nov.ʳ 1ˢᵗ 1856

Sir

In reply to the letter of Capt Foot of the sloop of War Portsmouth, complaining of the equipment of that ship, I would state, that the arrangement for keeping the water from getting into the ships, was Chas Sloat's. He informed me some years since, of its superiority over other plans; and as this vessel was fitted so on her arrival here, and having never heard of any difficulty about it, I had it so fitted in the same manner. Since then, however I have learned that it troubled them on the last cruize, but was remedied by the officers of the ship, and no report made about it.
With respect to the pintles and braces they were somewhat worn, but are sufficiently strong for service. I believe it is, not an uncommon occurrence for a rudder to tremble, when a vessel is going fast, even in a new ship.
As regards the decks and wales, they are old and considerably worn, and that part which was not fit for service was replaced with new. I considered them perfectly sea worthy for a three years cruize. You are aware that the battery of this ship was altered, and I believe from that cause are to be charged the leaks in the decks and water ways, though the aggregate weight of this battery is no more than the old one. The effect is very different, owing to its position in the ship; and I was of the opinion before she sailed, that she was not adapted to it.

Capt Thos A. Dornin
Comdt at any Yard
935
Gosport Va

I am Sir respectfully
Your Obt Servant
S. F. Hartt
Naval Constructor

Naval Constr.ⁿ Office
Nov. 1st 1856

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I am Sir respectfully
Your Obt Servant
S. T. Hartt
Naval Constructor

Captain Foote to Commodore Armstrong

936

Captain Foote to Commodore Armstrong

5

Copy

Canton, November 4th 1856

Sir

Agreeable to your instructions of October, I left Hong Kong with the Ship "Portsmouth" under my command, on the 15th ultimo and arrived at Whampoa on the day following. Although there was no reason to expect an immediate attack upon Canton by the Revolutionists, yet, as difficulties which have since matured into active hostilities were at that time pending between the British and the Chinese authorities; and as there seemed to be more need of the presence of an American force in the neighborhood of Canton, I deemed it my duty to proceed immediately to that place.

While lying at Whampoa on the 22d ultimo, I received a communication from Mr. Perry our Consul at Canton, enclosing a copy of a letter from Mr. Parkes the British Consul, in which he stated that twenty four hours notice had been given to the Chinese authorities to accede to the demands of the English, — and if these should be refused, it was his purpose at the expiration of that time to place the matter in the hands of the British Admiral. In view of this statement, Mr. Perry suggested that the presence of an American force for the protection of American residents in their persons and interests, was extremely desirable. Immediately on receiving this communication, which reached

936

Captain Foote to Commodore Armstrong

(5)

Copy

Canton, November 4th 1856

Sir

Agreeable to your instructions of October, I left Hong Kong with the Ship "Portsmouth" under my command, on the 15th ultimo and arrived at Whampoa on the day following. Although there was no reason to expect an immediate attack upon Canton by the Revolutionists, yet, as difficulties which have since matured into active hostilities were at that time pending between the British and the Chinese authorities; and as there seemed to be more need of the presence of an American force in the neighborhood of Canton, I deemed it my duty to proceed immediately to that place.

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936

reached

reached me at three o'clock in the morning. I lifted out four of our boats armed with musketry and the howitzers, and started at six o'clock with eighty of our Seamen and Marines for Canton, arriving there at nine o'clock.

On our arrival, I organized our force into Companies, and established and fortified posts in the manner best calculated to protect the property of American residents. The French Vice Consulate being in close proximity to the Hong of the American Legation, I was enabled to offer to it incidental protection, which was accepted and politely acknowledged as will be seen from the accompanying Copy of a note from the Charge d' Affaires at Macao.

The Levant having arrived at Hong Kong from Shanghae on the 24th ultimo, Captain Smith in accordance with my request proceeded to this city with a force of sixty nine Officers and men, and with his boat howitzer, thus materially strengthening our force. I received by him also your orders of the 1st October directing me to proceed to Shanghae; but, from reasons which will be obvious from this communication, I deemed it my duty, in the exigencies of the case, to remain until the receipt of further orders, or until the state of affairs would permit me to leave with safety to the interests confided to my supervision. I was the more impelled to this course by the fact that the American steamer "Comet" had been fired upon by a fort in the Macao

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fact,

passage, and that a correspondence in relation to the matter was then and is still in progress between our Consul and the Governor of Canton.

Since the arrival of Captain Smith with his force, we have had a battalion drill daily, with morning and evening parade. The conduct of the men, with very few exceptions, has been highly creditable to them.

On the 29th ultimo, the British Admiral landed an assaulting party, which advanced to the Governors official residence (through the breach which has been previously made in the walls) with a loss of three killed and four wounded. Several American citizens accompanied the party, and the American flag was borne upon the walls of the city, although not fully displayed. In view of this fact, I issued the inclosed circular, Copies of which were sent to our own and the foreign Consuls and to the British Admiral, in order that our neutrality might remain intact, and because I considered that our right to enter the city is in absolute abeyance, until the stipulations of the treaty shall have been enforced by our Government through its properly empowered Officers. I am happy to believe that the presence of our flag on the occasion has not, as yet, come to the knowledge of the Chinese, at least in such a way as to draw the attention of their Officers to the fact.

We have succeeded in protecting American

can interests through our armed neutrality.
On the 3d instant our sentinels on the house-tops having been twice fired upon by the Chinese soldiers, I ordered the fire to be returned, which was done by the discharge of two or three muskets; but with no other effect than that of dispersing the persons from whom the shots came, and securing our men from molestation for the future.

It may be well to add that after consultation with Captain Smith, it has been decided that American interests require the presence of one of our sloops of war at this city. Accordingly as the "Levant" has the lesser draft of water, and as the "Portsmouth" will, under your orders, be probably the first to leave, Captain Smith will shortly proceed to Whampoa, and on Saturday morning will bring his ship to Canton.

Since our arrival, the British Naval Forces have captured most of the forts between Whampoa and this place, and spiked their guns: they have also landed several guns of heavy calibre at the fortification known as the "Dutch Folly", from which with the steamers abreast of the city, a heavy cannonading has been continued at intervals upon the walls, upon the public buildings, and upon the Imperial troops encamped in the rear of the city.

This report embraces all ma-

terial

terial occurrences which have taken place in connection with our movements up to this date.

I have the honor to be
Very respectfully
Your obed't Serv't
(signed) Andrew H. Foote
Commander

Commodore James Armstrong
Commanding U.S. Naval forces
East Indies and China seas.

(13)

Circular

The undersigned has been informed that the American Flag was this day borne on the walls of Canton — through the breach effected by the British Naval Forces. This unauthorized act is wholly disavowed by the undersigned, in order that it may not be regarded as compromising in the least degree the neutrality of the United States.

The United States Naval Forces are here for the special protection of American interests; and the display of the American Flag in any other connection is hereby forbidden.

(Signed) Andrew H. Foote
Senior Officer present,
Comdg U.S. Naval forces
at Canton.

Canton, China
October 29th 1856.

(14)

Canton Nov 3d 1856.

Sir

I have before me your polite and Kind note of the 25th ultimo, in which you express your acknowledgements for the protection which it has been in my power to afford to the Vice Consulate of His Imperial Majesty in this city, during the hostilities pending between the British Naval forces and the authorities of Canton.

I shall be most happy if by having tendered this protection, which the close proximity of the French Vice Consulate to the Hong of the American Legation enables me to afford without any inconvenience, I shall have done any thing to strengthen the cordial relations of amity which have so long existed between our respective governments and peoples — so happily alluded to in your communication before me. That these relations may remain unimpaired I am sure is our mutual wish and that also of our respective Governments

I have the honor to be

Monsieur Very respectfully

Monsieur le Comte de Bourgoing Your obed't servt

Charge d'Affaires (signed) Andrew H Foote

de France, Comdr U S Navy

in China Comdg US Naval forces Canton

Order

Canton November 6th 1856

No sentinel will fire upon the Chinese unless he is first fired upon by the Chinese themselves. In this case only he will return the fire. In case a Chinese has a musket and approaches a sentinel within gun shot, will warn him off, and fire high over the intruders head, and then give the alarm. In case several Chinese should suspiciously appear, unarmed even, the sentinel will wave his hand for the purpose of dispersing him; and if he should they remain he will give the alarm; and if they still approach he will fire well over their heads.

It must be remembered that our own force is here specially to protect the lives and property of American residents; and that we have no part in the difficulties between the English and Chinese; therefore any fire upon the Chinese who are not invading the rights of Americans is a murderous and wanton sacrifice of human life and will be severly punished, and a full report of the same made to the Commander in chief.

939

(signed) Andrew H Foote
Commander.

Captain Hood &c
Commander Ramsay

Canton, November 8th 1856.

Sir

The events mentioned in the following report have occurred since the date of my communication of the 4th instant.

Early on the morning of the 6th inst: a brisk action (an hour or more in duration) took place between twenty three Chinese junks, the fort known as the "French folly" and armed parties on shore, - on one side, - and on the other the English Steamers "Barracouta" and "Coromandel", with eight boats mounting sixteen guns. The junks with more than a hundred guns were captured and destroyed. The fort was taken and its guns spiked, but was not occupied by the English forces. The loss on the part of the English was one killed and three wounded. An unsuccessful attempt to destroy the Steamer "Sampson" by four fire junks was made this morning.

Reports have been circulated, and may have come to your notice, that an American sentinel has been shot, and an American seaman beheaded. These reports are wholly untrue. A shot was fired it is true, near one of our sentinels stationed in an exposed position

740

position on a house top: but agreeably to my directions it was more offensively returned by several discharges of muskets at the men who fired. The enclosed order in reference to similar occurrences has been given to the sentinels. The man said to have been beheaded deserted on the day of our arrival here, but was afterwards seen in Hong Kong and recognised by several of the "Levants" crew.

The professions of the Governor General of Canton towards the Americans have been uniformly courteous, manifesting every disposition to preserve peace with us. He has expressed a wish that the American residents should leave the city, urging it as a wise precaution for their own safety; and also desires that our force for their protection shall be withdrawn. So long, however, as the present state of affairs continues, or until further orders from you, our forces will be retained.

Our Consul, Mr Perry, has at my suggestion written another letter to the Governor General, requesting that he will furnish information, within forty eight hours, as to what action has been taken in the case of the steamer "Queen Pa", — which vessel was fired into by a fort in the Macao passage. If this communication does not elicit a satisfactory reply, I trust that the Consul will see fit to place the matter in

in my hands. Should he do this and should you not soon arrive yourself, I shall proceed to the fort and take such action as circumstances may require, in vindication of the insult offered to our flag.

Unless we are assaulted or American interests in some way endangered, I shall strictly forbear from compromising our neutrality.

P.S. — I have just heard of the arrival of the "San Jacinto" at Hong Kong; and as the letter of Mr Perry referred to above, has not yet been forwarded to the Governor, I have requested him to retain it, in order that the matter in its present state may be laid before our Commissioner and yourself.

I have had this day a long and frank conversation with Admiral Sir Michael Seymour, — stating to him that in certain contingencies, our merchants might leave the city with their effects, and that, in that case, our force for their protection might be withdrawn; I trust therefore that, as far as my agency has been concerned, you will find the state of affairs here such as will relieve you from all embarrassments.

I have the honor to be
Very respectfully
Your obed't serv't
Andrew H Foote
Commander

Commodore
James Armstrong
Comd'g U.S. Naval forces
East Indies & China Seas.

United States Consulate,
Canton, Nov. 9th 1856

Sir,

The undersigned has already informed Your Excellency, that the American Steamer "Anna Fa" was fired upon by a fort on the left bank of the river in the vicinity of the City of Heang Shang, and to which Your Excellency on the 31st ulto replied by assuring the undersigned that the matter should be investigated, although it was not a government fort but a City fortification. More than a week has elapsed since this assurance was given and nothing further has been received from Your Excellency on the subject.

As this insult to the American

To His Excellency Yeh
Governor General of the Two Kwangs
&c &c &c

American Flag is a grave matter, the undersigned respectfully calls upon Your Excellency to state within forty eight hours, what action has since been taken by Your Excellency in regard to the subject matter of this Communication.

I have the honor to be
Your Most Obt Servt

Wm H Seward

(This was not sent.)
United States Consulate, Canton,
November 9th 1856.

Oliver H. Perry Esq., U.S. Consul,
to
His Excellency Yeh, Governor General of
the Two Kwang &c., &c., &c..

Requesting information, within 48
hours, in the case of the steamer "Ann Fo".

Manuscript 944-45 released 5/30/84 PEO

Manuscript 946 released 5/30/84 MEV

Manuscript #947 microfilmed 6/4/84 AW

(1)

U. S. Flag Ship San Jacinto
Whampoa, China
November 12th 1856

No 36

Since my communication of the 10th instant, I have to inform the Department that I left Hong Kong in the San Jacinto yesterday morning, ran over to Macao where I landed Dr Parker and suite and from there proceeded to this anchorage, where I arrived at Meridian to day.

Soon after coming to anchor, I received a despatch from Commander Foote (a copy of which is herewith enclosed) detailing the occurrences at Canton since his communication to me of the 4th instant - copies of which I have forwarded to the Department in my despatch No 33.

It will be seen from these communications of Commander Foote, that he has taken every measure and precaution that prudence can suggest for the protection and safety of our Countrymen and their property.

It affords me pleasure to inform the Department that the health of the Officers and crew of this ship is quite restored by our cruise to the North.

I have the honor to be
Very respectfully
Your obt Servt
James Armstrong
Comdg US Naval Forces
East Indies & China

Hon. J. C. Dobbin
Secy of the Navy
Washington
D. C.

918

Commodore Armstrong
to Captain Foote

(Copy)

21

U. S. Flag Ship San Jacinto
Whampoa, Nov. 18. 1856

Sir

My despatch was forwarded to Yeh the Imperial Commissioner, at Canton this morning, and I have given him twenty four hours after the receipt of the same for his reply to it.

I wish you to send me down to night by the steamer which carries this up to you, forty Petty Officers, Seamen, ordinary seamen and Landsmen making a total of forty men - of the seamen belonging to his ship, - as I find her almost without men to take care of her, even if she were attacked by Sampans. Let the men you return to this ship bring with them their arms and equipments.

I have chartered the steamer "Lilly" and will send her up to you as soon as she returns from Macao, which will be tomorrow afternoon.

I shall give you the earliest information from time to time, that I can get - but in the mean while be ready for any contingency that may arise - Get good positions for your ships and if you are attacked by the Chinese spare them not, take their forts and level them with the ground.

I

I am informed by Mr Robinet and Mr Cook, both of whom have been in these forts, that there is no difficulty from the nature of the ground around the forts, in landing either men or guns to attack them. Dr Parker, however, is impressed with the belief that there is a small creek or ditch about two hundred yards below the nearest fort, on the North bank, or right hand side of the river in going up towards Canton. It can, he thinks, be seen from your tops with a glass.

I am, very respectfully
Your obedt servt
(signed) James Armstrong
Comdg U.S. Naval forces
East India & China seas.

Commander
Andrew H. Foote
Comdg U.S. Ship Portsmouth
Off the Barrier Forts
Whampoa Channel

P.S. Mr Perry has just returned from Canton, and he informs me that he does not think that the Governor will get the translation of my despatch before tomorrow evening, but will give you the earliest intelligence in reference to the matter that I can obtain,
(signed) James Armstrong

(Copy)

U.S. Flag Ship "San Jacinto"
Whampoa, Nov 18th 1856

Sir

You will order Commander Bell and Lieutenant H. H. Lewis, with twenty of the San Jacinto's crew, with their arms and equipments, to repair on board the Steamer "Cum Fa" and join this ship at this place.

Lieutenant Rutledge you will order to repair on board the U.S. Ship "Levant" and report himself to Commander Smith for duty on board that ship.

Very respectfully
Your obedt servt
(signed) James Armstrong
Comdg U.S. Naval forces
East India & China seas

Commander
Andrew H. Foote
Comdg U.S. Ship Portsmouth
and Senior Officer present
Off the Barrier forts.

P.S. If you should discover that the Chinese are strengthening or masking any additional fortifications, you will act at your own discretion and do things in your own way without reference to anything else.
950
signed Jas Armstrong

H. B. M. Flag Ship "San Jacinto"

Whampoa, November 18th 1856

Sir,

My despatch was forwarded to Yeh the Imperial Commissioner at Canton, this morning, and I have given him twenty four hours after the receipt of the same for his reply to it.

I wish you to send me down to night by the Steamer which carry's this up to you, forty of the* Seamen belonging to this Ship, as I find her almost without men to take care of her, even if she were attacked by Sam pans. Let the men you return to this Ship bring with them their Arms & Equipments.

I have Chartered the Steamer "Lilly" and will send her up to you as soon as she returns from Macao, which will be to morrow afternoon.

I shall give you the earliest

— information

951

* Petty Officers, Seamen, Landsmen and Landsmen Boys, a total of forty men.

information, from time to time, that I can get - but, in the mean while be ready for any contingency that may arise - Get good positions for your ships and if you are attacked by the Chinese Spare them not, take their forts and level them with the Ground.

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I am, Very respectfully
Your Obedient Servant
Jas. Armstrong
Comg U.S. Naval Forces
East Indies & China Seas

Commander
Andrew H. Foote
Commanding U. S. Ship "Portsmouth"
Off Barrier Forts
Whampoa Channel

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Jas. Armstrong

Shanghai, November 18th 1856.

Commodore James Armstrong,
Commanding U. S. Naval Forces
East Indies and China &c.

In reference to Operations
off the Bocca Tigris.

(Copy.)

United States Ship "Paterson",
Off the "Barrancas",
November 19th 1856.

Sir,

I have received your letter of this days date directing me to order Commander Bell and Lieutenant Lewis, with twenty men to repair on board the flag ship, and in reply respectfully inform you that we have now no more officers and men than are absolutely necessary for any operations that may be required here. Since your departure the Ms forts having upon us have awaited themselves of the delay on our part, and night and day are constructing guns not only in the forts but on the point, and sending great numbers of troops into the fortifications. This state of things absolutely requires at this moment a reinforcement rather than a withdrawal of any part of our force; although we are, at this ~~moment~~ instant, strong enough to accomplish anything you may direct offensively, - as a much less force could easily have captured and destroyed the forts the morning after the cannonading, - the enemy being then panic-stricken and would have made no resistance comparatively.

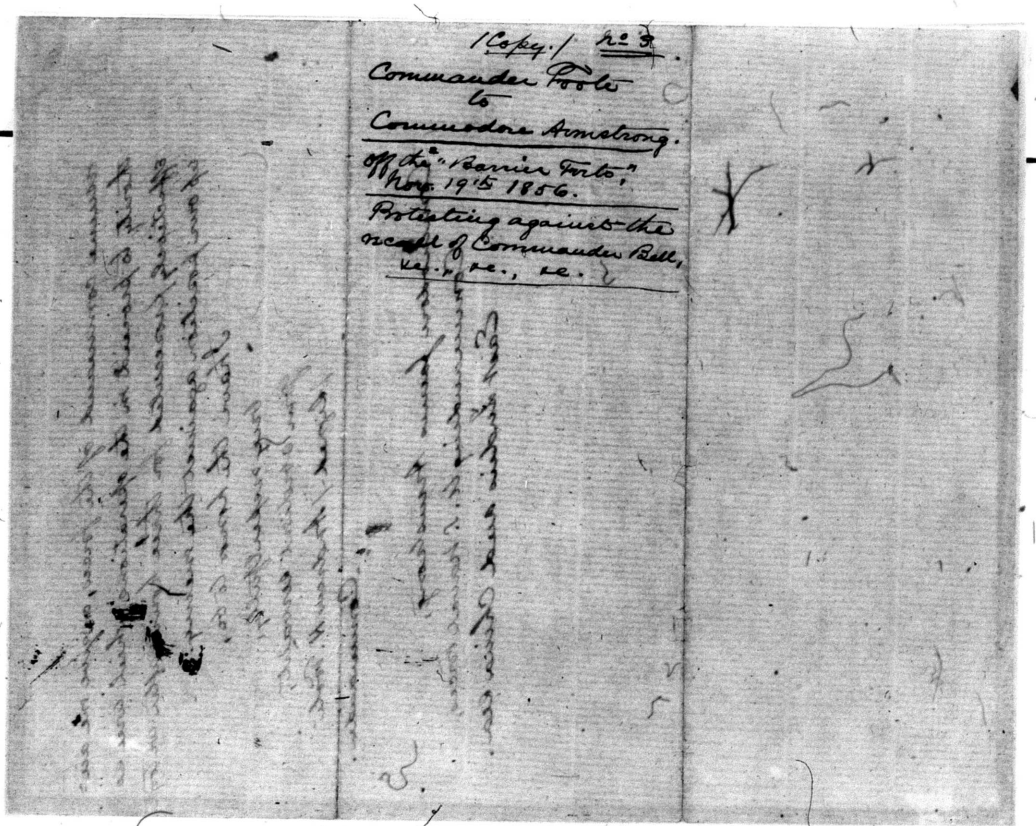
When you called me into your state room, the day succeeding the cannonading, you informed

informed me, and in which opinion the Fleet Surgeon and myself fully concurred, that you were too ill to prosecute this affair in person, and directed me to take it wholly into my own hands. I laid my plans accordingly. But just as you were leaving the ship you ordered me to suspend operations, as you were about entering upon a correspondence on the subject with the Governor General of Canton, and directed me not to act unless the enemy rejoined his fire. Since then you have withdrawn a Lieutenant and forty men: again, this morning, you order me to send to you Commander Bell, Lieutenant Lewis and twenty men. I leave you to judge of the moral effect of this course upon the men here, as well as its physically weakening our force at a time when the forts are doubling their means of defense. Under these circumstances, I am bound to say to you, although with great pain, that not an officer or man can now, with credit to the country, be withdrawn. For these reasons I await further instructions before acting upon your orders of this instant.

I now earnestly beg that you will either come here yourself and in person resume command of the forces, or give me authority to proceed in the operations which were so effectively prosecuted for three hours after we took up our position against the enemy.

I have the honor to be,
very respectfully,
your obedient servant,
/Signed./ Andrew H. Foote
Commander.

Commodore James Armstrong,
Commanding U. S. Naval Forces,
East Indies and China Sea.



[Copy.] No 3.

Commander Poole
to
Commodore Armstrong.

Off the "Barrier Fort"
Nov 19th 1856.

Protesting against the
conduct of Commander Bell,
&c., &c., &c.

Captain Foote to Commodore Armstrong.

U. S. Ship Portsmouth
Off the Barrier Forts
November 19th 1856

Sir

I have received your letter of this days date directing me to order Commander Bell and Lieutenant Lewis with twenty men to repair on board the flag ship, and in reply respectfully inform you that we have now no more Officers and men than are absolutely necessary for any operations that may be required here. Since your departure the two forts bearing upon us have availed themselves of the delay on our part, and night and day are mounting guns, not only in the forts but on the point, and sending great numbers of troops into the fortifications. This state of things absolutely requires at this moment a reinforcement rather than a withdrawal of any part of our force; although we are at this instant, strong enough to accomplish any thing you may direct offensively, as a much less force could easily have captured and destroyed the forts the morning after the Cannonading, — the enemy being then panic stricken and would have made no resistance comparatively.

When you called me into your state room, the day succeeding the Cannonading, you informed me, and in which opinion the Fleet Surgeon and myself fully concurred,

curred, that you were too ill to prosecute this affair in person, and directed me to take it wholly into my own hands. I laid my plans accordingly. But just as you were leaving the ship, you ordered me to suspend operations, as you were about entering upon a correspondence on the subject with the Governor General of Canton, and directed me not to act unless the enemy re-opened his fire. Since then you have withdrawn a Lieutenant and forty men: again, this morning, you order me to send to you Commander Bell, Lieutenant Lewis and twenty men. I leave you to judge of the moral effect of this course upon the members, as well as its physically weakening our forces at a time when the forts are debating their means of defence. Under these circumstances, I am bound to say to you, although with great pain, that not an Officer or man can now, with credit to the country, be withdrawn. For these reasons I await further instructions before acting upon your orders of this instant.

I now earnestly beg that you will either come here yourself and in person resume command of the forces, or give me authority to proceed in the operations which were so effectively prosecuted for

three hours after we took up our position against the enemy.

I have the honor to be
Very respectfully
Your obedt Servt
(signed) Andrew H Foote
Commander

Commodore
James Armstrong
Comdg U.S. Naval forces
East India and China seas

(Copy) [1856, Nov. 19] 29

U. S. Flag Ship "San Jacinto"
Whampoa, Nov. 18th 1856
One o'clock P. M.

Commodore Armstrong
to Captain Foote

Sir

I have received your despatch of this morning and justify your judgment in retaining the detachment I directed to be sent to this ship. — From the last information I could get from your Command, I was induced to believe that the force at your disposal was more than ample for what remained, contingently to be done. —

Upon my return to the flag ship, I found her defenceless as regards men and arms, and of course felt it my duty to place her in a condition to defend herself from hostilities, which, at any moment, in the present state of affairs, may come upon her.

It was only by accident that I learned last night the Enemy was strengthening his means of defence or assault, and hence I at the first moment sent you an authority to prevent all such measures and to pursue such further course as your judgement might dictate. I am glad to hear that you "are at this instant strong enough to accomplish any thing

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thing I may direct", and although pending negotiation, I do not wish to take aggressive steps without a sufficient cause; yet I repeat my wish to have the enemy prevented from increasing his means of defence or assault in the most expedient and efficient manner your judgement and means may warrant — even though you may be led to the capture of the forts.

I am, very respectfully
Your obed't. servt.
(signed) James Armstrong
Capt'g. W.S. Vessel
forces
East India and
China seas.

Commander
Augustus H. Foote
Capt'g. W.S. Ship Portsmouth
and Senior Officer present,
off the Barrier Forts
Whampoa Channel.

Copy

U. S. Ship Portsmouth
Off the Barrier Forts
near Canton, Nov 19th 1858

Sir

Your letter of this days date in reply to my own in reference to Commander Bell's repairing on board the flag ship and other matters in connection with our movements here, has been received. By an extraordinary oversight, the postscript of your letter was overlooked by myself, as well as by Commanders Bell and Smith, as it was on the second page. Had I seen it, and as it expressed the basis of my letter, I should not have communicated with you at all on the subject; therefore it becomes my duty to say that the letter was gratuitous.

It is my purpose to commence an attack on the Forts as early tomorrow morning as the tide and the position of the ships will enable us to do it most advantageously.

Will you do me the favor to send the "Lilly," or some other efficient steamer, to us as early tomorrow as practicable, as her services will be important, both before and after the attack.

I have

1858

I have the honor to be
Very respectfully
Your obt Servt
Andrew H. Foote
Commander

Commodore
James Armstrong
Comdg U.S. Naval forces
East Indies & China seas.

(Copy)

U.S. Flag Ship San Jacinto
Whampoa, Nov 19th 1856
9 o'clock P.M.

Sir

I have the honor to acknowledge the receipt this moment of your letter informing me of your contemplated movements to morrow. I have every confidence the duty entrusted to you will be judiciously and I trust successfully executed.

I am expecting the "Lilly" every hour, and upon her reporting will despatch her to you.

I am, very respectfully
Your obed't servt
(Signed) James Armstrong
Comdg U.S. Naval forces
East India & China seas.

Commander
Andrew H. Foote
Comdg U.S. Ship Portsmouth
and senior Officer present,
Off the Barrier Forts
Whampoa Channel.

U. S. Flag Ship "San Jacinto"
Whampoa, November 24th 1856

Sir

You will please order Act'g Master Sheppard, or some other Capable Officer, to repair on board the Steamer "Cum fa" and take Command of her. Let me know what articles you require for your operations and if I have them I will send them, if not procure them at once.

Respectfully
Yr. Obt. Svt.
Jas. Armstrong
Com'g U.S. Naval Forces
East India China Seas

Commander A. Foote,
Com'g U.S. Ship Portsmouth
Senior Officer present of the
Barrier Forts.

Duplicate

1.

Copy

United States Ship Portsmouth,
off the Barrier Forts, near Canton
November 26th 1836.

Sir,

Agreeably to your orders of the 15th instant, to return to Canton and resume my duties in command of the force placed there for the protection of American residents in their persons and their property, I proceeded the same day, with one of our boats, in company with Lieutenant Macomb and Assistant Surgeon Wilson, of the Levant, and Messrs. Sturgis and Macy of Canton, for the purpose of directing Commander Smith to return and take his ship to that city,- preparatory to the withdrawal of our force from the foreign factories.

When within point-blank range of the fort commanding the passage, a shot was fired which fell a short distance from the boat: this was soon followed by another which struck still nearer the boat and ricocheted far beyond it,- Mr. Sturgis in the mean time waving the flag that it might be more fully displayed, and I firing my revolver towards the fort and giving the order to pull away. We soon passed beyond range of this fort, and, when within two hundred yards of the next, it opened upon us with two successive discharges of round shot and grape which fell thick and fast around us, one of them striking the water within the blades of the oars: the last discharge was made after the boat's head was turned towards the ship. I then returned and reported the occurrence verbally to you.

As the removal of this Ship and the Levant to this place, was under your own orders and personal supervision, and as you were yourself an eye-witness of the cannonading between the Portsmouth and the forts, on Sunday

Commodore James Armstrong,
Commanding U. S. Naval Forces,
East Indies and China Seas.

Wm Compton

961

Sunday the 16th instant, it is unnecessary, in this report, for me to make further allusion to those events.

During the day succeeding your departure to Whampoa, the two ships were in position to open upon the forts on the recommencement of active hostilities on the part of the enemy,- although the narrow channel and strong tide rendered it necessary to moor them abreast of, instead of in a line with, each other.

Your last Communication of the 19th instant, contained the following clause.

"I am glad to hear that you are, at this instant, strong enough to accomplish anything I may direct,- and although, pending negotiations, I do not wish to take aggressive steps without a sufficient cause, yet I repeat my wish to have the enemy prevented from increasing his means of defence or assault, in the most expedient and efficient manner your judgment and means may warrant, even though you may be led to the capture of the forts."

As there were no other means in my power effectually to prevent the enemy from strengthening his defences, I instantly determined to storm his forts and would have done so the same evening, if it had been possible to complete the necessary arrangements before dark.

At 6h 30m on the morning of the 20th instant, the ships being in position and in all respects ready for action, we beat to quarters and simultaneously opened on the two nearest forts. After an interval of five minutes the fire was briskly returned until 7h 45m, when it materially slackened. The storming party, consisting of two hundred and eighty-seven persons, Officers, Seamen and Marines with four howitzers,- Commanded by myself- Commanders Bell and Smith leading respectively detachments from the "San Jacinto" and "Cornut,"- then left the ships and pulled in three columns for the shore. The company of Marines was most efficiently led by Captain Simmons. While landing Lewis Holtzel and Thomas

Thomas Brown (Apprentice boys) were killed by the accidental discharge of a Minnie rifle. The party formed and marched towards the fort, dragging three howitzers with them across the rice-fields, and wading a Creek waist-deep. In order to attack the fort in the rear it was necessary to pass through a village, in which several shots were fired upon us, till the howitzers cleared the streets and secured for us an unobstructed advance. When near the fort, the soldiers were seen flocking from it,- many of them swimming for the opposite shore. The Marines being in advance, they opened their fire upon the fugitives with deadly effect, killing some forty or fifty. The American flag was planted on the wall of the fort by a Lieutenant from the "Portsmouth". As the fort opposite was playing upon us with some energy, the guns we had captured,- fifty-three in number,- were several of them brought to bear and soon silenced it,- but not before a shot had struck the "Portsmouth's" launch, in the Water line, and sunk her. She floated, however, at the flood and was soon rendered efficient for further service. The City of Canton being only four miles distant, a portion of its Army- variously estimated at from five to fifteen thousand, and which I believe to have numbered at least three thousand,- was stationed near. This force twice advanced, but they were both times repulsed by the Marines, with ten or twelve killed, and as they were retreating, a deadly fire was opened upon them from one of the howitzers. During one of these skirmishes a man belonging to the "Portsmouth's" howitzers crew received a shot wound in his leg. While firing at the opposite fort a Boatswain's mate from the "Portsmouth" was wounded in the head and foot by the bursting of a gun.

A small portion of the force was with drawn at night, and the fort was occupied by the Commander of the "San Jacinto" with the remaining force till morning.

At 8h a.m. the next day an eight inch shot from one of the forts struck the "Portsmouth" and lodged in the

the bends. This was instantly returned by three of her shells and the fort was at once silenced. At 4 P.M. the Commander of the "San Jacinto", with the force which had occupied the captured fort during the night, embarked and returned to the ships. At six o'clock both ships opened their fire on the three remaining forts which was at first briskly returned. During this action, Edward Riley, (O.S.), was mortally wounded aboard the "Semmes", and died this evening. The fort nearest the ships having been silenced, at seven o'clock the boats in tow of the American Steamer "Cum Sa," - temporarily in Charge of Mr. Robinet, having aboard the Engineers from the "San Jacinto" Mr. Henry L. Seton, Mr. C. H. Baker, with a crew from the "San Jacinto" left the ships and proceeded towards the object of attack. While passing the barrier a recochet 64 lb. shot, from the farthest fort, struck the boat abreast of my own, completely raking it and instantly killing James Boreland, Carpenter's Mate, and mortally wounding William Mackin and Alfred Turner, who died soon after. Seven others were also wounded more or less severely. The boat struck was the Launch of the "San Jacinto", in Charge of the first Lieutenant of that ship. The Steamer stood in with the boats in tow, till they were covered by an intervening reef of coral, on which the party landed. After wading a ditch waist-deep, and receiving several shots from jingals and rockets, the fort was carried, - with one of the marines severely wounded, - in the presence of a thousand or more Chinese Soldiers just beyond howitzer range. A Corporal of Marines, the Standard bearer of his Company, planted the American flag upon the walls. Several of the Guns of the fort, with our own howitzers, were brought to bear upon the Centre fort Commanding the river, which had opened fire upon us. It was soon silenced. The other guns in the fort we had captured, which were altogether forty-one in number, were spiked, their carriages burned and everything destructible, by the means in our power, destroyed.

At 4 P.M. the marines advanced on the back

of

of the river and captured a breast-work mounting six guns: a party of Chinese soldiers, some hundreds in number, advanced towards them, but were soon repulsed by two companies of sailors led by their Lieutenants. In the mean time one of the howitzers played upon a still greater number, who were drawn up in front of and around a pagoda, until they were dispersed and retreated carrying off their killed and wounded. The boats, under fire from the fort on the opposite side of the river, had been tracked up to the breast work, and now, under cover of its guns and those of the fort just captured, they crossed with the party to the island and took possession of its fort containing thirty eight guns: one of which was a brass gun of eight inch Calibre and twenty-two feet five inches in length — Greatest Circumference, eight feet three inches — diameter of bore eight and a half inches — The standard bearer of marines was again the first to plant the American flag upon the walls. The same work of destruction as at the two forts previously captured was here renewed. The only fort remaining in the possession of the enemy — on the Canton Side of the river — at once opened upon us: accordingly the guns in the fort we occupied were brought to bear and, with the assistance of the howitzers, silenced it in the course of half an hour. It now being dark, it was thought expedient to suspend further operations till morning. Active preparations were making by the enemy during the night, showing a determination to make a vigorous resistance.

The following morning, Saturday the 23d instant, at four o'clock, "all hands" were called, and arrangements made preparatory to the attack in front on the fourth and last fort. At early daylight, everything being ready, the first Lieutenant of the "San Jacinto", who was left in charge of this fort, was directed to fire a single howitzer for the purpose of drawing the fire of the enemy; and as this did not succeed another discharge was made, with no better result. Three howitzers were left in the fort to cover the landing and prevent the enemy from

— firing

forcing the guns trained on the point which we were to double before croping the river. One launch with its howitzer preceded the other boats which followed in three columns as at the landing on the 20th instant.

As soon as we opened the fort, the howitzers commenced playing briskly to divert its fire from us. But, from the moment we doubled the point and during the time intervening until we reached within musket shot and gave three cheers, notwithstanding the rapid and effective fire of the howitzers in the fort and that in the launch, the fort opened and continued a brisk fire upon the boats with round shot and grape and gingal. The shot passed closely over our heads, with the exception of three, one of which passed between two boats, and each of the others striking an oar. I cannot but regard it as a merciful interposition of a kind Providence that, although the party was exposed to such a shower of Grape falling around them, for so long a time, it sustained, in this instance, no injury to life & limb.

As the boats could not be brought close to the shore, our party jumped into the water waist deep, and entered and took possession of the fort just in time to fire upon the last of the enemy in their retreat. It was discovered that they had, before evacuating, loaded the guns and trained them upon the boats with slow match ignited. Those of our men who were in the advance cut off the heavy and prevented the discharge of the guns. It was Lieutenant Meade, late Boatswain's Mate, from the "Potomoth" was the first to enter the fort and plant the American flag upon its walls: the number of guns which it contained was thirty-eight. The same course of demolition was taken in this fort that had been pursued in the others.

The forts containing a total of one hundred and seventy-six guns, many of them of the largest calibre, are now all in our possession. I am informed that they have always been considered as among the strongest defenses

defences of the Empire, as well as the key to the City of Canton.

The Commander of the "San Jacinto" is to day at work in the fort last captured, preparing utterly to demolish that part of the walls facing the river. These are of massive granite and eight feet in thickness. As soon as this work is accomplished, we shall proceed in the same way with the other forts. An attack was made upon the rear of the fort occupied by our force, at three o'clock this morning, by a body of Chinese who threw several rockets and struck spots with a brisk fire of Gingals. The assailants were provided with scaling ladders. They were soon dispersed by a brisk fire of musketry and the howitzers, leaving two ladders behind them in their retreat.

The ships received during the Cannonading of the 18th 20th and 21st instants, forty shots in their hulls and rigging, - the "Potomoth" eighteen, - the "Levant" twenty two, and their fire was most satisfactorily effective, as may be witnessed in the demolished parapets, and small arms of the nearest forts and their appearance within their enclosures.

Previous to all the attacks, I counselled freely with the Commanders of the "San Jacinto" and "Levant": and as the latter Officer performed such effective service by the Cannonading of his ship preparatory to the storming, and as the other was present without his ship, I may be permitted to say of the former that I found him ready to suggest and to execute at any moment and in all exigencies. I ought to mention that the Commander of the "Levant", previous to the action of the 20th and 21st instants, had brought his ship into position nearer the forts so that she received the hottest of their fire, - and he has now brought her close to the fort which we are undermining. From the other Officers also, I received very important suggestions. In short the bearing of all the Officers, Sailors and marines was creditable to them in the highest degree.

The readiness and coolness with which Captains Cury

Comy. of the American Steamer "Willamette", towed this Ship into position, on the 16th instant, under fire from the nearest fort, - exposing his person and his vessel, and not casting off till so ordered, excites our highest admiration. Mr. William M. Robinet, of Mary land, now a resident merchant in Canton, gave his services as pilot and Commander of the "Cum Fa" when that Steamer towed the boats in shore to attack the second fort on the 21st instant. This Gentleman, also, by his knowledge of the Country was enabled to point out the course adopted in the attack of the second and third forts; he accompanied us into those forts, and suggested the time of the attack upon the fourth and last: his services also in many other ways were most important and tended greatly to secure the success of the expedition. I cannot too strongly express my obligations to him for his valuable services. Captain Henry E. Devens, of Charlestown, Massachusetts, voluntarily acted as my aid in the Capture of the last three forts, and was always ready to render good service. Captain Sevall, of the American Ship "Olyaway", occasionally took Charge of the Steamer "Cum Fa", and repeatedly volunteered to serve in any capacity wherein he could promote the success of the Expedition. Several other American Gentlemen, whose names have not been mentioned, volunteered their aid, and rendered important assistance.

It may be seen from this report how efficient our Marines are in service of this kind: and the inference is inevitable that an increase of that corps, and of the number of Officers and men attached to our ships, would tend to ensure entire success on similar expeditions. In all the advances the men were ready, in perfect order and discipline, to respond to the calls of their Captain and Officers.

But while this tribute is due to the Marines, it is but just to the Sailors to say that their order and subordination, as well as their bravery, most favorably impressed

impressed me: and I was convinced that when the two bodies acted in cooperation, in skirmishing parties and otherwise, they were capable of successfully resisting any Chinese force which they might encounter in the field.

The howitzers contributed greatly to, I may almost say secured, the success of the expedition, not only by their destructive qualities, but by the fear, which their appearance inspired among the enemy, the moment that they came within their range.

I cannot help believing that the heavy and prolonged cannonading of the "Portsmouth", on the 16th instant, was most important in preparing the way for the operations which succeeded. The powerful battery of this ship, consisting of sixteen 8 inch Guns, each of 65 cwt:, so paralyzed the nearest fort, which was within a range of four hundred and eighty Yards, that it was never afterwards able to do the injury which it otherwise might have inflicted. I am disposed to believe, too, that a ship with guns of a smaller calibre, could not have sustained alone the hot fire to which this vessel was that day exposed, from the four forts combined, - and much less could have silenced the two nearest of those forts, as she did after a brisk cannonading of between two and three hours. I am happy to add that the new elevating screw of Constructor Hartt, with which her guns are fitted, stood the severe test of the heavy firing, during the several actions, to my entire satisfaction.

It is, of course, impossible to ascertain definitely what loss the Chinese have sustained. Their own rumors make it, at the least estimate, five hundred, although I am inclined to believe that it will not much exceed one half that number. It is said, on good authority, that a hundred and twenty Chinese sailors, recently discharged from a foreign Man-of-War, and who have thus had the advantage of European training and discipline

pline, were among those who served the guns of the forts. This accounts for the superior gunnery displayed by the enemy.

It becomes my painful duty to add the following list of killed and wounded. I can only express, in this place, my feeling of sorrow for the loss which their own friends have sustained, and which the Country and the Service to which they belonged have also suffered. It is proper for me to mention that, by request of the fleet Surgeon, the Surgeons of the Ships were not permitted to accompany the Storming parties on shore, as the most important operations could not be performed in the field but on board Ship. All that medical skill could do to relieve the sufferings and save the lives of the Wounded was promptly and successively accomplished by the Surgeons and the Assistant Surgeons.

Surgeons Report

Killed.

William Mullen,	Coxswain, Standing on a boat.	San Jacinto.
Louis Hetzel,	Apprentice by,	"Portsmouth."
Thomas Krouse,	Apprentice by,	"
James Hoagland,	Carpenters Mate,	San Jacinto.
William Mackin,	Seaman,	"
Alfred Turner,	Boatswain.	"
Edward Riley,	O. Seaman.	Savannah

Total killed 7.

Wounded.

Smith Benjamin,	O. Seaman,	Slightly	San Jacinto
James McGreevy,	Seaman,	"	"
John Brown,	Seaman,	"	"
Thomas Robinson,	O. Seaman,	Severely Contused	"
G. B. Pelo	Landsman,	Slightly	"
William Vanhouten,	Apprentice by,	Severe contusion	"
Nicholas Dillon,	Coal Heaver,	Slightly	"
Thomas Fantony,	Coal Heaver,	"	"
John Mitchell,	O. Seaman,	"	"
John Stanton,	O. Seaman,	"	"

William Johnson	Quartermaster	slightly	"San Jacinto"
Alexander M. Patrick	Capt. Forecastle	Severely bruised	"
Patrick Mortimer	Marine	Dangerously	"Portsmouth"
John C. Thompson	Marine	Very Severely	"
Thomas Gaynor	Seaman	Severely	"
John Lasher	Boatswain's Mate	Severely Cut	"
James Lyons	Corpl. Marines	Contusion	"
Jonathan Murray	Boatswain's Mate	Slightly	"Levant"
William Boyce	Marine	Severely - Recovering	"
Patrick Mahon	Marine	Severely	"
Joseph M. Neil	Marines	Slightly	"
John Russell	O. Seaman	Severely	"

Total Wounded 22.

Total Killed and Wounded 29.

I am, Very respectfully
Your obedient Servant
(Signed) Andrew H. Foote
Commander and
Senior Officer present, Commanding U.S. Naval Forces
off the Bocca Tigris, near Canton.

P.S. Enclosed is a list of the Officers of the several Storming parties.

True Copy. S. Lander Kennedy
Commodore's Secretary

Copy.

Commander	Andrew H. Foote	"Portsmouth" Commanding
Commander	Henry H. Bell.	"San Jacinto"
Commander	William Smith.	"Levant."
Lieutenant	Henry H. Lewis.	"San Jacinto"
"	John Rutledge	"
	J. P. Carter	"
Bvt Capt. of Marines	John D. Simms	"
Assistant Surgeon.	R. P. Daniel	"
Captains Clerk	W. S. Ashe. Jr	"
Lieutenant	W. H. Macomb.	"Portsmouth"
"	Henry K. Davenport.	"
"	Edward Simpson	"
"	Pendleton G. Watmough	"
"	George E. Belknap.	"
Master	Francis E. Sheppard.	"
2d Lieut. Marines	William W. Kirkland.	"
Surgeon	John T. Dobbin	"
Assistan Surgeon.	John Vansant.	"
Carpenter.	Joseph G. Myers	"
Masters Mate	Peter McAvoy	"
Lieutenant	George Colvocoressis	"Levant"
"	John T. Guthrie	"
"	Earl English	"
Master	Henry A. Adams. Jr.	"
2d Lieut. Marines	H. B. Tyler	"
Assistant Surgeon	A. L. Gihon	"
Captains Clerk.	S. A. Coale. Jr.	"
Gunner	H. M. Gordon	"
Carpenter	Edward Williams	"
Masters Mate	Fitch Taylor	"

(Signed) A. H. F.

True copy A. Vanden Heuvel
Commodore's Secretary

Report of Capture of the Barrier Forts Nov. 26/56

U. S. Flag Ship San Jacinto
Hampton Nov. 21st 1861

My dear Sir,

As you now fully understand our principles of operations, you will see there is no necessity for working our men beyond what can be comfortably and efficiently done by the force at your disposal. At the same time I hope you will keep a bright look out for fire rafts and sinister means of attack. I make these suggestions unofficially, leaving the free exercise of your judgment.

Very truly yours
Jas. Armstrong

Commander
A. H. Foote
Comd'g Md. Ship Potomac

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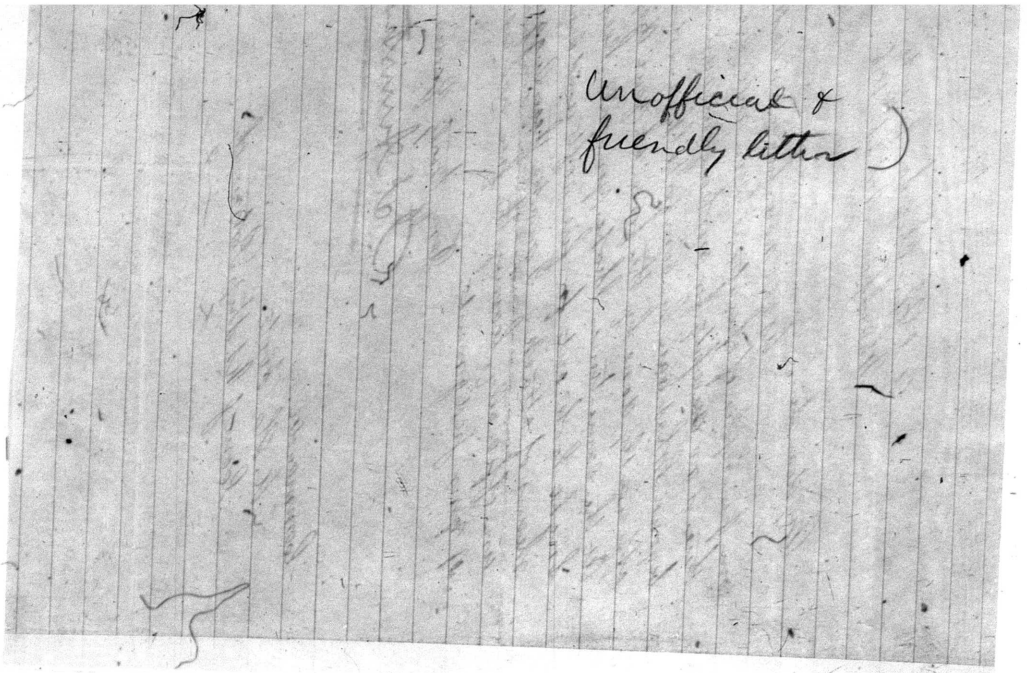
Unofficial & friendly letter)

Manuscript # 969 received 6/4/54 HC

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U. S. Ship "Portsmouth"
Off the Barrier Forts
near Canton, Nov. 26th 1856

Sir

I have the honor to furnish the annexed report of the capture of the Barrier Forts near Canton.

I am very respectfully
Your obed't serv't
(signed) Andrew H. Foote.
Commander
and senior officer present, Comd'g U. S.
Naval forces off the Barrier Forts
near Canton

Commodore
James Armstrong
Comd'g U. S. Naval forces
East Indies and China sea.
Whampoa.

ip "Portsmouth"
Barrier Forts
ntow, Nov 26th 1856

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bedt servt
w H. Foote.
Commander
ent, Comdg U.S.
rrier Forts
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Forces
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Sir

Ag
to retire to
Command
of American
property,
boats, to com
ship and
and Mepa
purpose of
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As the removal of this ship

this place was under your own orders

969

Copy

U. S. Ship Portsmouth
Off the Bogue Forts
near Canton, Nov 26th 1856

Sir

Agreeably to your orders of the 15th instant to return to Canton and resume my duties in command of the force placed there for the protection of American residents in their persons and their property, I proceeded the same day, with one of our boats, in company with Lieutenant Macomb of this ship and Assistant Surgeon Gibbons of the "Levant" and Messrs Sturgis and Macy of Canton, for the purpose of directing Commander Smith to return and take his ship to that City, preparatory to the withdrawal of our force from the foreign factories.

When within point blank range of the fort Commanding the passage, a shot was fired which fell a short distance from the boat, this was soon followed by another which struck still nearer the boat, and ricochetted far beyond it. Mr Sturgis in the meantime waving the flag, that it might be more fully displayed, and I firing my revolver towards the fort, and giving the order to pull away. We soon passed beyond range of this fort, and, when within two hundred yards of the next, it opened upon us with two successive discharges of round shot and grape, which fell thick and fast around us, some of them striking the water within the blades of the oars: the last discharge was made after the boats head was turned towards the ship. I then returned and reported the occurrence verbally to you.

As the removal of this ship and the Levant to this place was under your own orders and personal supervision

969

Copy

U. S. Ship Portsmouth
Off the Barrier Forts
near Canton. Nov. 26th 1856

Sir

Agreeably to your orders of the 15th instant to return to Canton and resume my duties in Command of the force placed there for the protection of American residents in their persons and their property, I proceeded the same day, with one of our boats, in company with Lieutenant Macomb of this ship and Assistant Surgeon Dickson of the "Levant" and Messrs Stuart and Macey of Canton, for the purpose of directing Commander Smith to return and take his ship to that City, preparatory to the withdrawal of our force from the foreign factories.

When within point blank range of the fort Commanding the passage, a shot was fired which fell a short distance from the boat, this was soon followed by another which struck still nearer the boat, and ricochetted far beyond it. Mr Stuart in the meantime waving the flag, that it might be more fully displayed, and I firing my revolver towards the fort, and giving the order to pull away. We soon passed beyond range of this fort, and, when within two hundred yards of the next, it opened upon us with two successive discharges of round shot and grape, which fell thick and fast around us, some of them striking the water within the blades of the oars: the last discharge was made after the boats head was turned towards the ship. I then returned and reported the occurrence verbally to you.

As the removal of this ship and the Levant to this place was under your own orders and personal supervision

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supervision, and as you were yours
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perviction, and as you were yourself an eye witness of the cannonading between the Paramouth and the forts, on Sunday the 16th instant, it is unnecessary, in this report, for me to make any further allusion to those events.

During the day succeeding your departure to Whampoa, the two ships were in position to open upon the forts on the recommencement of active hostilities on the part of the enemy, — although the narrow channel and strong tides rendered it necessary to moor them abreast of, instead of in a line with, each other.

Your last communication of the 19th inst. contained the following clause:

"I am glad to hear that you are at this instant strong enough to accomplish any thing I may direct, — and although, pending negotiation, I do not wish to take aggressive steps without a sufficient cause, yet I repeat my wish to have the enemy prevented from increasing his means of defence or assault, in the most expedient and efficient manner your judgement and means may warrant, even though you may be led to the capture of the forts."

As there were no other means in my power effectually to prevent the enemy from strengthening his defences, I instantly determined to storm his forts and would have done so the same evening if it had been possible to complete the necessary arrangements before dark.

At 6h 30m on the morning of the 20th inst., both ships being in position, and in all respects ready for action, we beat to quarters and simultaneously opened on the two nearest forts. After an interval of five minutes, the fire was briskly returned until 9h 45m, when it materially slackened. The storming party, consisting of two hundred and eighty seven persons, Officers, Seamen and Marines with four howitzers, — commanded by myself, — Commanders Bell and Smith leading respectively detachments from the Jas Jacinto and Levant, — then left the ship and pulled in three columns for the shore. The Company of Marines was most efficiently led by Captain Timms. While landing, Louis Hetzell and Thomas Krouse (apprentice boy), were killed by the accidental discharge of a Minie rifle. The party formed and marched towards the fort, dragging three howitzers with them across the rice fields, and wading a creek waist deep. In order to attack the fort in the rear it was necessary to pass through a village, in which several shots were fired upon us, till the howitzers cleared the streets and secured for us an unobstructed advance. When near the fort, the soldiers were seen fleeing from it; many of them swimming for the opposite shore. The Marines being in advance, they opened their fire upon the fugitives with deadly effect, killing some forty or fifty. The American flag was planted on the walls of the fort by a Lieutenant from the Portsmouth. As the fort opposite was playing upon us with some energy, the guns we had captured, — fifty three in number, — were several of them brought to bear and soon silenced it, — but not before a shot had struck the Portsmouth's launch, in the water line, and sunk her. She floated however at the flood, and was soon rendered efficient for further service. The city of Canton being only four miles distant, a portion of its army, — previously estimated at from five to fifteen thousand, and which I believe to have numbered at least three thousand was stationed near. This force

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A small portion of the force was withdrawn at night, and the fort was occupied by the Commanders of the San Jacinto with the remaining force till morning.

At 3 A M the next day, an eight inch shot from one of the forts struck the Portsmouth and lodged in the bends. This was instantly returned by three of her shells, and the fort was at once silenced. At 4 A M the Commander of the San Jacinto with the force that had occupied the captured fort during the night embarked and returned to the ships. At 6 o'clock A. both ships opened their fire on the three remaining forts, which was at first briskly returned. During this action Edward Riley (OS) was mortally wounded on board the Levant, and died this morning. The fort nearest the ships having been silenced, at seven o'clock the boats in tow of the American steamer "Cum Fa" - temporarily in charge of Mr Reynier, having aboard the Engineers from the San Jacinto, Mr Henry C. Victor & Mr C. H. Baker, with a crew from the San Jacinto, left the ships and proceeded towards the object of attack. While passing the Barrier a rocket 64 lb shot, from the furthest fort, struck the

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At 4 P M, the Marines advanced on the bank of the river and captured a breast work mounting six guns. A party of Chinese soldiers, some hundreds in number, advanced towards them, but were soon repulsed by two Companies of sailors led by their Lieutenants. In the meantime one of the howitzers played upon a still greater number, who were drawn up in front of and around a pagoda, until they were dispersed and

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and retreated carrying off their Killed. The boats, under fire from the fort opposite side of the river, has been transported breast works, and now under cover of those of the fort just captured, they crossed the party to the island and took possession fort containing thirty eight guns: one was a brass gun of eight inch calibre two feet five inches in length, - greatest eight feet three inches. - diameter of b a half inches. The standard bearer of was again the first to plant the Americ upon the walls. The same work of de at the two forts previously captured, wa ed. The only fort remaining in possessi on the Eastern side of the river, - at one us; accordingly the guns in the fort we brought to bear and, with the assistance zeb, silenced it in the course of half a now being dark, it was thought expe pend further operations till morning preparations were making by the enemy night, showing a determination to orous resistance.

The following morning, 22d instant, at four o'clock, all ha and arrangements made preparatory in front of the fourth and last fort light, every thing being ready, the fir of the San Jacinto's boats was before fort, was directed to fire a single ho purpose of drawing the fire of the e this did not succeed another discha with no better result. Three howitzers w

and retreated carrying off their Killed and wounded. The boats, under fire from the fort on the opposite side of the river, had been tracked up to the breast work, and now under cover of its guns and those of the fort just captured, they crossed with the party to the island and took possession of the fort containing thirty eight guns: one of which was a brass gun of eight inch calibre, and twenty two feet five inches in length, — greatest circumference eight feet three inches, — diameter of bore eight and a half inches. The standard bearer of Marines was again the first to plant the American flag upon the walls. The same work of destruction, as at the two forts previously captured, was here renewed. The only fort remaining in possession of the enemy, on the Castine side of the river, — at once opened upon us; accordingly the guns in the fort we occupied were brought to bear and, with the assistance of the howitzers, silenced it in the course of half an hour. It now being dark, it was thought expedient to suspend further operations till morning. Active preparations were making by the enemy, during the night, showing a determination to make a vigorous resistance.

The following morning, Saturday the 22d instant, at four o'clock, all hands were called, and arrangements made preparatory to the attack in front on the fourth and last fort. At early day-light, every thing being ready, the first Lieutenant of the Sabine who was left in charge of this fort, was directed to fire a single howitzer, for the purpose of drawing the fire of the enemy; and as this did not succeed another discharge was made, with no better result. Three howitzers were left in the fort

fort, to cover the landing and prevent the enemy from firing the guns trained on the point which we were to double before crossing the river. One launch with its howitzer preceded the other boats which followed in three columns as at the landing on the 20th instant.

As soon as we opened the fort, the howitzers commenced playing briskly to divert its fire from us. But from the moment we doubled the point and during the time intervening until we reached within musket shot and gave three cheers notwithstanding the rapid and effective fire of the howitzers in the fort and that in the launch, the fort opened and continued a brisk fire upon the boats with round shot, and grape and gingalls. The shot passed closely over our heads, with the exception of three, — one of which passed between two boats, and each of the others struck an oar. I cannot but regard it as a merciful interposition of a Kind Providence that, although the party was exposed to such a shower of grape falling around them for so long a time, it sustained, in this instance, no injury to life or limb.

As the boats could not be brought close to the shore, our party jumped into the water waist deep, and entered and took possession of the fort, just in time to fire upon the last of the enemy in their retreat. It was discovered that they had, before evacuating, loaded the guns and trained them upon the boats with a slow match ignited. Those of our men who were in the advance, cut off the train and prevented the discharge of the guns. A Lieutenant from the Portsmouth was the first to enter

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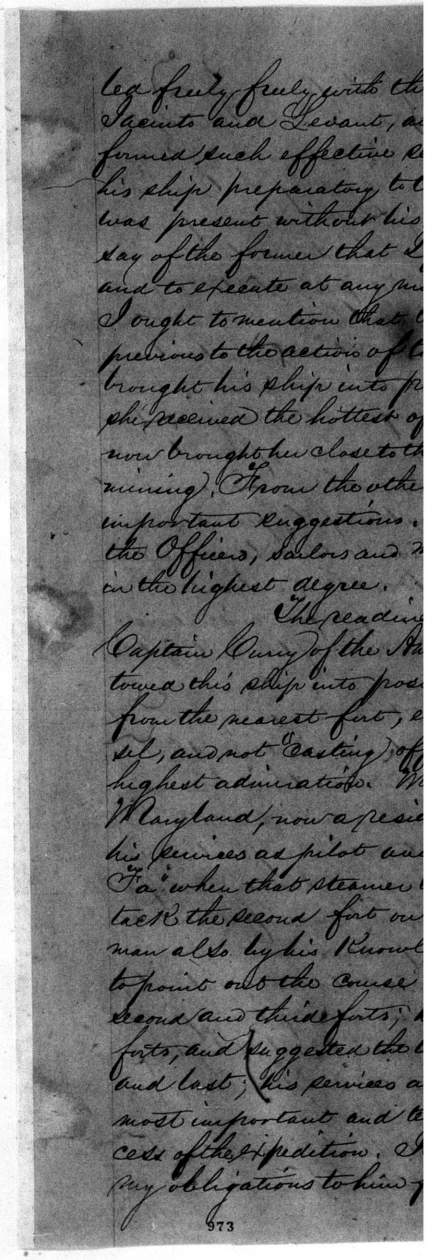
enter the fort, and her Boatswains mate planted the American flag upon its walls: the number of guns which it contained was thirty eight. The same course of demolition was taken in this fort that had been pursued in the others.

The forts containing a total of one hundred and seventy six guns, many of them of the largest calibre, are now all in our possession. I am informed that they have always been considered as among the strongest defences of the Empire, as well as the "Key to the City of Canton."

The Commander of the San Jacinto is to day at work in the fort last captured, preparing to demolish that part of the walls facing the river; these are of massive granite and eight feet in thickness. As soon as this work is accomplished, we shall proceed in the same way with the other forts. An attack was made upon the rear of the fort occupied by our force, at three o'clock this morning, by a body of Chinese who threw several rockets and stink pots, with a brisk fire of gingalls; the assailants were provided with scaling ladders. They were soon dispersed by a brisk fire of musketry and the howitzers, leaving two ladders behind them in their retreat.

"The ships received during the cannonading of the 16th to 20th and 21st instants, forty nine shots in their hull and rigging, - the Portsmouth twenty-seven, - the Levant twenty two; and their fire was most satisfactorily effective, as may be witnessed in the demolished parapets and walls of the nearest forts, and their appearance within the enclosures.

Previous to all the attacks, I counselled



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be freely freely with the Commanders of the San Jacinto and Levant, and as the latter officer performed such effective service by the cannonading of his ship preparatory to the storming; and as the other was present without his ship, I may be permitted to say of the former that I found him ready to suggest and to execute at any moment and in all exigencies. I ought to mention that the Commander of the Levant, previous to the actions of the 20th and 21st instants, had brought his ship into position nearer the forts so that she received the hottest of their fire, — and he has now brought her closer to the fort which we are undermining. From the other Officers also I received very important suggestions. In short the bearing of all the Officers, Sailors and Marines was creditable to them in the highest degree.

The readiness and coolness with which Captain Cuny of the American steamer "Willamette" towed this ship into position, on the 6th inst, under fire from the nearest fort, exposing his person and his vessel, and not casting off "till so ordered, excites our highest admiration. Mr William M'Colvin of Maryland, now a resident merchant in Canton, gave his services as pilot and Commander of the Chinese when that steamer towed the boats in shore to attack the second fort on the 21st instant. This gentleman also by his knowledge of the Country was enable to point out the course adopted in the attack of the second and third forts, he accompanied us into those forts, and suggested the time of the attack upon the fourth and last; his services also in many other ways were most important and tended greatly to secure the success of the expedition. I cannot too strongly express my obligations to him for his valuable services.

Captain

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The readiness and coolness with which Captain Curry of the American steamer "Willamette", towed this ship into position, on the 16th inst, under fire from the nearest fort, exposing his person and his vessel, and not "casting off" till so ordered, excites our highest admiration. Mr William M. Robinet of Maryland, now a resident merchant in Canton, gave his services as pilot and Commander of the "Cum-Fa" when that steamer towed the boats in shore to attack the second fort on the 21st instant. This gentleman also by his knowledge of the Country was enabled to point out the course adopted in the attack of the second and third forts; he accompanied us into those forts, and suggested the time of the attack upon the fourth and last; his services also in many other ways were most important and tended greatly to secure the success of the expedition. I cannot too strongly express my obligations to him for his valuable services.

Captain

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Crew of the American steamer "Willamette",
his ship into position, on the 6th inst, under fire
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to not Casting off" till so ordered, excites our
admiration. Mr William M Cabinet of
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ices as pilot and Commander of the Can-
in that steamer towed the boats in shore to at-
e second fort on the 21st instant. This gentle-
ed by his knowledge of the Country was enable
- and the course adopted in the attack of the
ng third forts, he accompanied us into those
d suggested the time of the attack upon the fourth
t; his services also in many other ways were
portant and tended greatly to secure the suc-
the Expedition. I cannot too strongly express
ligations to him for his valuable services.

— Captain

973

Captain Henry E Dewers, of Charlestown Massa-
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It may be seen from this report how
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But while this tribute is due to the Ma-
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order and subordination, as well as their bravery,
most favorably impressed me: and I was convinced
that when the two bodies acted in Co-operation, (in
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of successfully resisting any Chinese force which
they might encounter in the field.

The howitzers contributed greatly to,
I may almost say secured, the success of the Expedition,
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I cannot help believing that the heavy and prolonged Cannonading of the Portsmouth, on the 16th

16th instant, was most important in preparing the way for the operations which succeeded. The powerful battery of this ship, consisting of sixteen eight inch guns, each of 63 cwt, so paralyzed the nearest fort, which was within a range of four hundred and eighty yards, that it was never afterwards able to do the injury which it otherwise might have inflicted. I am disposed to believe, too, that a ship with guns of a smaller Calibre could not have sustained alone the hot fire to which this vessel was that day exposed, from the four forts combined, and much less could have silenced the two nearest of those forts, as she did after a brisk Cannonading of between two and three hours. I am happy to add that the new elevating Screw of Constructor Hartt, with which her guns are fitted, stood the severe test of the heavy firing, during the several actions, to my entire satisfaction.

It is, of course, impossible to ascertain definitely what loss the Chinese have sustained. Their own rumors make it, at the least estimate, five hundred, - although I am inclined to believe that it will not much exceed one half that number. It is said on good authority, that a hundred and twenty Chinese sailors, recently discharged from a foreign man of war, and who have thus had the advantage of European training and discipline, were among those who served the guns of the forts. This accounts for the superior gunnery displayed by the enemy.

It becomes my painful duty to add the following list of Killed and wounded. I can only express, in this place, my feeling of sorrow for the loss which their own friends have sustained,

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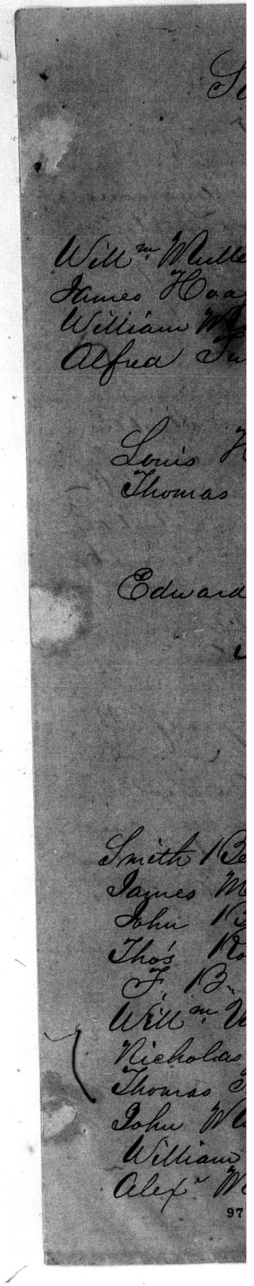
and which the Country and the [illegible] they belonged have also suffered. [illegible] me to mention that, by request [illegible] geon, Dr Wood, the Surgeons [illegible] and Henderson, were not permitted [illegible] the storming parties on shore, as their [illegible] ant operations could not be performed [illegible] but on board the ship. All that [illegible] could do to relieve the suffering [illegible] lines of the wounded, was promptly [illegible] fully accomplished by the Surgeons [illegible] Assistant Surgeons.

and which the country and the service to which they belonged have also suffered. It is proper for me to mention that, by request of the Fleet Surgeon, Dr Wood, the Surgeons of the ships Wright and Henderson, were not permitted to accompany the storming parties on shore, as the most important operations could not be performed in the field but on board the ships. All that medical skill could do to relieve the sufferings and save the lives of the wounded, was promptly and successfully accomplished by the Surgeons and the Assistant Surgeons.



Surgeons Report

Killed

"San Jacinto"

Willm Mullen — Coxswain — Sounding in a boat
James Haagland Carpenters mate
William MacKin Seaman
Alfred Turner Coxswain

"Portsmouth"

Louis Metzell — Apprentice boy
Thomas Krouse "

"Levant"

Edward Riley — Ordy Seaman

Total Killed — 7

Wounded

"San Jacinto"

Smith Benjamin	Ord^y Seam^n	—	slightly
James McGreevy	Seaman	"	"
John Brown	"	"	"
Thos Robinson	Ord^y "		Severely Contused
F. B. Peto	Landsman		Slightly
Willm Van Kouten	App^ce boy		Severe Contusion
Nicholas Dillon	Coal heavers		Slightly
Thomas Pantony			
John Mitchell			
William Johnson	Coxswain		
Alex^r McIntosh	Cap^n of Force		Severely burnt

Surgeon's Report

Killed

"San Jacinto"

Willm Mullen — Boatswain — Sounding in a boat
James Haagland Carpenter's mate
William Mackin Seaman
Alfred Turner Boatswain

"Portsmouth"

Louis Hetzell — Apprentice boy
Thomas Krouse "

"Levant"

Edward Riley — Ordy Seaman

Total Killed — 7

Wounded

"San Jacinto"

Smith Benjamin	Ord^y Seam^n —	slightly
James McGreevy	Seaman	"
John Brown	"	"
Thos Robinson	Ordy "	Severely Contused
F. B. Peto	Landsman	Slightly
Willm Van Hontes	App^ce boy.	Severe contusion
Nicholas Dillon	Coal heavers	Slightly
Thomas Santony		
John Mitchell		
William Johnson	Boatswain	do
Alex^r McIntosh	Capt. of Forec^le	Severely burnt

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Wounded (Cont'd)

"Portsmouth"

Patrick Mulvins — M
John G. Thompson
Thomas Saynor
John Lark
James Lucas

"Levant"

Jonathan Murray
Willm Boyce
Patrick Mahen
Joseph McNeil
John Purcell

Total wounded
Total Killed and

signed,

Senior Officer present
forces off the Barr

Commodore James C
Comd^g U. S. Na
East Indie
China

Wounded (Continued)

"Portsmouth"

Patrick Melvin	Marine	—	Dangerously
John G. Thompson	"		Very severely
Thomas Gaynor	Seaman		Severely
John Lark	Boats'n mate		Severely cut
James Lilus	Corp'l Mar		Contusion

"Levant"

Jonathan Murray	Boats'n mate		Slightly
Will'm Boyce	Marine		Severely
Patrick Mahen	"		
Joseph McNeil	"		Slightly
John Rupel	Ord'y Seam'n		Severely

Total wounded. 22.
Total Killed and wounded 29.

I am very respectfully
Your obed't servt
signed. Andrew H. Foote
Commander and
Senior Officer present, Commanding U. S. Naval
forces off the Barrier forts, near Canton.

Commodore James Armstrong
Com'd'g U. S. Naval forces
East Indies and
China seas.

P. S.

P. S. — Subjoined is a list of the Officers of the several storming parties.

Commander	Andrew H. Foote	"Portsmouth"	Comm'd'g
"	Henry H. Bell	"San Jacinto"	
"	William Smith	"Levant"	
Lieutenants	Henry H. Lewis	San Jacinto	
"	John Rutledge	"	
"	J. F. Carter	"	
Brev't Capt	Marines J. D. Simms	"	
Apt Surgeon	R. F. Daniel	"	
Capt's Clerk	W. S. Ashe Junr	"	
Lieutenant	Wm H. Macomb	Portsmouth	
"	Hy K. Davenport	"	
"	Edw'd Simpson	"	
"	F. G. Watmough	"	
"	Geo E. Belknap	"	
Master	Fred'k E. Shepherd	"	
Lieut Marines	Wm W. Kirkland	"	
Surgeon	John V. Dobbin	"	
Apt Surgeon	John Vansant	"	
Carpenter	Jos's S. Myers	"	
Master's mate	Peter M. Avoy		
Lieutenant	Geo Colvocoresses	Levant	
"	John S. Guthrie	"	
"	Earl English	"	
Master	Henry A. Adams Junr	"	
Lieut Marines	Hy B. Tyler	"	
Apt Surgeon	A. L. Gibbon	"	
Capt's Clerk	S. A. Veale Junr	"	
Gunner	H. M. Gordon	"	
Carpenter	Edw'd Williams	"	
Master's mate	Fitch Taylor	"	

(1)

U.S. Ship "Portsmouth"
Off the Barrier Forts, near Canton
November 26th 1856

Sir

I have the honor to forward the inclosed report of the Capture of the Barrier Forts near Canton.

I am, very respectfully
Your obed't Serv't

(Signed) Andrew H. Foote Comm'r
and Senior Officer present Commanding
U.S. Naval Forces off the Barrier Forts
near Canton

Commodore
James Armstrong
Commanding U.S. Naval Forces
East Indies and China Sea
Whampoa

U.S. Ship Portsmouth
Off the Barrier Forts, near Canton
November 26th 1856

Sir

Agreeably to your orders of the 15th instant, to return to Canton and resume my duties in command of the force placed there for the protection of American residents in their persons and property, I proceeded the same day with one of our boats, in company with Lieutenant Jno. R. Jacomb (Assistant Surgeon Upton of the Levant) of this Ship, and Messrs Sturges and Mary of Canton, for the purpose of directing

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Commander Smith to return and take his Ship to that C[ity] preparatory to the withdrawal of our forces from the foreign fortresses.

When within point blank range of the fort commanding the passage, a shot was fired, which fell a short distance from the boat; this was soon followed by another, which struck still nearer the boat, and ricochetted far beyond it. Mr Sturgis in the meantime waving the flag that it might be more fully displayed, and I giving my undivided attention towards the fort and giving the order to pull away. We soon passed beyond range of this fort, and when within two hundred yards of the next it opened upon us with two successive discharges of round shot and grape which fell short and past around us, one of them striking the water within the breakers of the coast: the last discharge was made after the boats head was turned towards the ships. I then returned and reported the occurrence verbally to you.

As the removal of this Ship and the "Levant" to this place was under your own orders and personal supervision, and as you were yourself an eye witness of the Cannonading between the Portsmouth" and the forts, on Sunday the 16th instant, it is unnecessary, in this report, for me to make further allusion to those events.

During the day succeeding your

departure from Whampoa, the two ships were in position to open upon the forts on the recommencement of active hostilities on the part of the enemy, although the narrow channel and strong tide rendered it necessary to moor them abreast of, instead of on a line with each other.

Your last communication of the 19th instant contained the following clause:-

"I am glad to hear that you are at this instant strong enough to accomplish anything I may direct, and although, pending negotiation, I do not wish to take aggressive steps without a sufficient cause, yet I repeat my wish to have the enemy prevented from increasing his means of defence or annoyance in the most expedient and efficient manner your judgement and means may warrant, even though you may be led to the capture of the forts".

As there were no other means in my power effectually to prevent the enemy from strengthening his defences, I instantly determined to storm his forts, and would have done so the same evening if it had been possible to complete the necessary arrangements before dark.

At 6.30 on the evening of the 20th instant, both ships being in position and in all respects ready for action, we beat to quarters and simultaneously opened on the two nearest forts. After an interval of five minutes, the fire was

(3)

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"I am glad to hear that you are at this instant strong enough to accomplish anything I may direct, — and although, pending negotiation, I do not wish to take aggressive steps without a sufficient cause, yet I repeat my wish to have the enemy prevented from increasing his means of defence or assault, in the most expedient and efficient manner your judgement and means may warrant, even though you may be led to the capture of the forts." —

As there were no other means in my power effectually to prevent the enemy from strengthening his defenses, I instantly determined to storm his forts, and would have done so the same evening if it had been possible to complete the necessary arrangements before dark.

At 6.30 on the morning of the 20th instant, both ships being in position and in all respects ready for action, we beat to quarters and simultaneously opened on the two nearest forts. After an interval of five minutes, the fire was

briskly returned until 7h. 45m. when it materially slackened. The storming party consisting of two hundred and eighty seven persons Officers, Seamen and Marines - Commanded by myself, Commanders Ball and Smith leading respectively detachments from the "San Jacinto" and "Levant," then left the Ships and pulled in three Columns for the shore. The Company of Marines was most efficiently led by Captain Simms. While landing, Louis Holzell and Thomas Knous (apprentice boys) were killed by the accidental discharge of a Minie Rifle. The party formed and marched towards the fort dragging their howitzers with them across the Rice fields, and wading a creek waist deep. In order to attack the fort in the rear it was necessary to pass through a village, in which several shots were fired upon us till the howitzers cleared the streets and cleared for us an unobstructed advance. When near the fort, the soldiers were seen fleeing from it many of them swimming for the opposite shore. The Marines being in advance, they opened a fire upon the fugitives, with deadly effect; killing some forty or fifty. The American flag was planted on the walls by a Lieutenant from the "Portsmouth." As the fort opposite was playing upon us with some energy, the guns we had captured - fifty three in numbers - were several of

them brought to bear and soon silenced it, but not before a shot had struck the Portsmouth's launch on the water line and sunk her. She floated however at the flood, and was soon rendered efficient for further service. The City of Canton being only 3 miles distant, a portion of its army, variously estimated at from five to fifteen thousand, and which I believe to have numbered at least three thousand, was stationed near. This force twice advanced but they were both times repulsed by the Marines, with few or twelve killed; and as they were retreating a deadly fire was opened upon them from one of the howitzers, killing one of these skirmishers. A man belonging to the Portsmouth's howitzers crew receives a shot wound in his leg. While firing at the opposite port, a Boatswains Mate from the Portsmouth was wounded in the head and foot by the bursting of a gun.

About noon the small portion of the force was withdrawn at night, and the fort was occupied by the Commander of the "San Jacinto" with the remaining force the morning.

At 3 A.M. the next day, an eight inch shot from one of the forts struck the Portsmouth, and lodged in the beds. This was instantly returned by three of her shells, and the fort was at once silenced. At 4 A.M. the Commander of the San Jacinto with

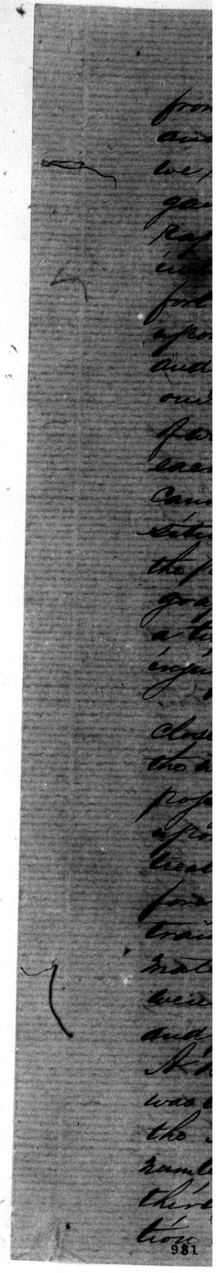
the force which had occupied the captured fort during the night, embarked and returned to the Ship. At 6 o'clock both Ships opened their fire on the three remaining forts, which was at first briskly returned. During this action Edwd Riley (O.S.) was mortally wounded on board the "Levant" and died this evening. The fort nearest the ships having been silenced, at seven o'clock, the boats in tow of the American Steamer "Cum Fa" temporarily in charge of Mr Robinet, having aboard the Engineers from the "San Jacinto", Mr Henry C. Victor and Mr C. H. Baker, and a crew from the "San Jacinto", left the Ship and proceeded towards the object of attack. While passing the barrier, a ricochet 64 lbs shot from the farthest fort struck the boat abreast of my own, completely raking it, and instantly killing Jas Hoagland (Carpenters mate) and mortally wounding Wm Mackin and Alfred Turner, who died soon after. Seven others were also wounded more or less severely. The boat struck was the Launch of the "San Jacinto", in charge of the 1st Lieut of that Ship. The Steamer stood on with the boats in tow, till they were covered by an intervening neck of land on which the party landed. After wading a ditch waist deep, and receiving several shots from gingals and rockets, the fort was carried, with one of the Marines severely wounded, in presence of a thousand or more Chinese soldiers just beyond howitzer range. A Corporal of Marines,

the standard bearer of his Company, planted the American flag upon the walls. Several of the guns of the fort with our own howitzers were brought to bear upon the centre fort commanding the river, which had opened fire upon us. It was soon silenced. The other guns in the fort we had captured which were altogether forty one in number, were spiked, their carriages burned, and every thing destructible, by the means in our power, destroyed.

At 4. P.M. the Marines advanced on the bank of the river and captured a breast work mounting 6 Guns; a party of Chinese soldiers, some hundreds in number, advanced towards them, but were soon repulsed by two Companies of sailors led by their Lieutenants. In the meantime one of the howitzers played upon a still greater number, who were drawn up in front of and around a pagoda, until they were dispersed, and retreated carrying off their killed and wounded. The boats, under fire from the fort on the opposite side of the river, had been tracked up to the breast work, and now under cover of its guns, and those of the fort first captured, they crossed with the party to the island and took poſseſsion of its fort containing thirty eight guns: one of these was a braſs gun of eight inch calibre, and twenty two feet, five inches in length. The standard bearer of Marines was again the first to plant the American flag upon the walls. The same work of destruction as at the two forts previously

captured was here renewed. The only fort remaining in possession of the enemy on the Canton side of the river, at once opened upon us: accordingly the guns of the fort we occupied were brought to bear and with the assistance of the howitzers silenced it in the course of half an hour. It now being dark, it was thought expedient to suspend further operations till morning. Active preparations were making by the enemy during the night, shewing a determination to make a vigorous resistance.

The following morning, Saturday the 22 instant, at four o'clock, all hands were called, and arrangements made preparatory to the attack in front on the fourth and last fort. At early daylight every thing being ready, the first Lieutenant of the San Jacinto, who was left in charge of this fort, was directed to fire a single howitzer for the purpose of drawing the fire of the enemy, as this did not succeed another discharge was made with no better result. Three howitzers were left in the Fort to cover the landing and prevent the enemy from forcing the guns trained on the Point which we were to double before carrying the river. One launch with its howitzer preceded the other boats which followed in three columns as at the landing on the 20th instant. As soon as we opened the fort, the howitzers commenced playing briskly to divert its fire from us. But



from the moment we doubled the Point and during the time intervening until we reached within musket shot and gave three cheers, notwithstanding the rapid and effective fire of the sharpers in the fort, and that in the launch, the fort opened and continued a brisk fire upon the boats with round shot and grape and canister. The shot passed closely over our heads, with the exception of three, one pierced a paper between two boats and each of the others striking across. I cannot but regard it as a merciful interposition of a kind Providence that, although the party was exposed to such a shower of grape falling around them for so long a time, it sustained, in this instance, no injury of life or limb.

As the boats could not be brought close to the shore, our party jumped into the water waist deep, and entered and took possession of the fort, just in time to fire upon the backs of the enemy in their retreat. It was discovered that they had before evacuating, loaded the guns and trained them upon the boats with a slow match ignited. Three of our men who were in the advance, cut off the train, and prevented the discharge of the guns. A Boatswains mate from the Portsmouth was the first to enter the fort and plant the American flag upon its walls: the number of guns which it contained was thirty eight. The same course of demolition was taken in this fort that had been

pursued in the others.

The forts containing a total of one hundred and seventy six guns, many of them of the largest calibre, are now all in our possession. I am informed that they have always been considered as among the strongest defenses of the empire, as well as the key to the City of Canton.

The Commander of the "San Jacinto" is today at work on the fort last captured, preparing utterly to demolish that part of the walls facing the river; these are of massive granite and eight feet in thickness. As soon as this work is accomplished we shall proceed in the same way with the other forts. An attack was made upon the key of the fort occupied by our forces, at three o'clock this morning by a body of Chinese who threw several rockets and stink pots. The assailants were provided with scaling ladders. They were soon dispersed by a brisk fire of musketry and the howitzers, leaving two ladders behind them in their retreat.

The Ships received during the cannonading of the 16th, 20th & 21st instants, forty shots in their hulls and rigging, the "Portsmouth" eighteen, the "Levant" twenty two; and their fire was most satisfactorily effective, as may be witnessed in the demolished parapets of the nearest forts, and their appearance within the walls.

Previous to all the attacks, I consulted freely with the Commanders of the "San Jacinto" and the "Levant", and as the latter Officer performed such effective service by the cannonading of his ship preparatory to the storming; and as the other was present without his ship, I may be permitted to say of the former that I found him ready to suggest and to execute at any moment and in all exigences. I ought to mention that the Commander of the "Levant", previous to the action of the 20th & 21st instants had brought his ship into position near the forts, so that she received the hottest of their fire, and he has now brought her closer to the fort which we are undermining. From the other Officers also I received very important suggestions. In short the bearing of all the Officers, Sailors and Marines was creditable to them in the highest degree.

The readiness and coolness with which Captain Curry of the American Steamer Williamette towed this Ship into position on the 16th inst., under fire from the nearest fort, exposing his person and his vessel, and not "Casting off" till so ordered, excites our highest admiration. Mr William M Robinet of Maryland, now a resident merchant in Canton, gave his services as Pilot and Commander of the "Cutter No 2" when that steamer towed the

boats inshore to attack the Redoubt on the 21st instant. This gentleman able by his Knowledge of the Country, was enabled to point out the Course adopted in the attack of the Second and third forts; he accompanied us into those forts, and suggested the time of the attack upon the fourth and last; his services also in many other ways have most important, and tended greatly to secure the success of the Expedition. I cannot too strongly express my obligations to him for his valuable services. Capt. Lewis of Charlestown Massachusetts, voluntarily acted as my aid in the Capture of the last three forts, and was always ready to render good service. Captain Semmes of the American Ship "Skyaway," a Cabinet maker took charge of the Steamer "Sun Fa" and repeatedly volunteered to serve in any Capacity where he could be useful to the success of the Expedition. Several other American gentlemen whose names have not been mentioned, volunteered their aid and rendered important assistance.

It may be seen from this Report how efficient our Marines are in Service of this Kind; and the inference is inevitable that an increase of that Corps, and of the number of Officers and Men attached to our Ships, would tend to ensure entire success in similar Expeditions. In all the advances the men were ready, in perfect order and

discipline, to respond to the calls of their Captain and Officers.

But while this tribute is due to the Marines, it is but just to the Sailors to say that their order and subordination as well as their bravery most favorably impressed me; and I was convinced that when the two bodies acted in co-operation, in skirmishing parties and otherwise, they were capable of successfully resisting any Chinese force which they might encounter in the field.

The howitzers contributed greatly to, I may almost say secured the success of the expedition, not only by their destructive qualities, but by the fear which their appearance inspired among the enemy, the moment they came within their range.

I cannot help believing that the heavy and prolonged cannonading of the "Portsmouth" on the 16th instant, was most important in preparing the way for the operations which succeeded. The powerful battery of this Ship, consisting of sixteen eight inch shell guns each of 63 cwt. so paralyzed the nearest fort which was within a range of four hundred and eighty yards, that it was never afterwards able to do the injury which it otherwise might have inflicted. I am disposed to believe too that a ship with guns of smaller calibre, could not have sustained alone the hot fire to which this vessel was

discipline, to respond to the calls of their Captain and Officers.

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I cannot help believing that the heavy and prolonged cannonading of the Portsmouth on the 16th instant, was most important in preparing the way for the operations which succeeded. The powerful battery of this ship, consisting of sixteen eight inch shell guns, each of 63 cwt, so paralyzed the rear est fort which was within a range of four hundred and eighty yards, that it was never afterwards able to do the injury which it otherwise might have inflicted. I am disposed to believe too that a ship with guns of smaller calibre, could not have sustained alone the hot fire to which this vessel was

that day exposed, from the four forts combined, and much less could have silenced the two nearest of those forts as she did after a brisk cannonading of between two and three hours. I am happy to add that the new elevating screws of Constructor Hall, with which her guns are fitted, stood the severest test of the heavy firing, during the several actions, to my entire satisfaction.

It is of course impossible to ascertain definitely what loss the Chinese have sustained. Their own rumors make it, at the least estimate, five hundred; although I am inclined to believe that it will not exceed one half that number. It is said on good authority, that a hundred and twenty Chinese sailors, recently discharged from a foreign man of war, and who have thus had the advantage of European training and discipline, were among those who served the guns of the forts. This accounts for the superior gunnery displayed by the enemy.

It becomes my painful duty to add the following list of Killed and wounded. I can only express in this place my feeling of sorrow for the loss which their own friends have sustained, and which the country and the service to which they belonged have also suffered. It is proper for me to mention that, by request of the Fleet Surgeon, the Surgeons of the Ships were not permitted to accompany the storming parties on shore, as the

most important operations could not be performed in the field, but on board ship. All that medical skill could do to relieve the sufferings and save the lives of the wounded was promptly and successfully accomplished by the Surgeons and Assistant Surgeons.

Surgeons Report.

Killed

Wm Mullen (Coxswain) Sounding in a boat - "San Jacinto"
Louis Hatzell - Apprentice boy - "Portsmouth"
Thomas Krouse " " "San Jacinto"
James Hoagland - Carpenters mate - "San Jacinto"
Wm Mackin Seaman "
Alfred Turner Coxswain "
Edward Riley Ordinary Seaman - "Levant"

Wounded

Smith Benjamin Ordinary Seaman "San Jacinto"
James McCreevy Seaman "
John Brow Seaman "
Thos Robinson Ordinary Seaman "
F. B. Pelo Landsman "
Wm Vanhouten Apprentice boy "
Nicholas Gillow Coal heaver "
Thomas Pantony Coal heaver "
John Mitchell Ordinary Seaman "
John Stanton Ordinary Seaman "
Wm Johnson Coxswain "
Alex. McIntosh Capt of Forecastle "

Patrick Welch (Marine) dangerously "Portsmouth"
Jno L. Thompson (Marine) very severe. "
Thos Gaynor (Seaman) severe "
Jno Sadler (Boatswains mate) severely cut. "
James Sims (Corp.ᵗ Marines) Contusion
Jonathan Murray (Boats mate) slightly "
Servant
Wm Boyce Marine (severely) Recovering
Patk Raken Marine (severely) "
Joseph McNeil Marine (slightly) "
Jno Russell Ord.ʸ Seaman (severely) "

I am very respectfully
Your obed.ᵗ servant
(signed) Andrew H. Foote Commander
and Senior Officer present, Commanding
U.S. Naval Forces, off the Bocca Tigris
near Canton

Commodore James Armstrong
Commanding U.S. Naval Forces
East Indies and China Sea
Whampoa

P.S. Subjoined is a list of the Officers of the several storming parties.—

Commander Andrew H. Foote, Portsmouth
Commanding
Commander Henry H. Bell "San Jacinto"
Commander W.ᵐ Smith "Levant"

Lieutenant Henry H. Sims "San Jacinto"
" John Rutledge "

Lieutenant J. P. Carter — "San Jacinto"
Assistant Surg. R. P. Daniel "
Captains Clerk Wm. T. Ashe "

Marines

Brevet Captain John C. Simms

Lieutenant Wm. H. Macomb — "Portsmouth"
" Hy K. Davenport "
" Edw. A. Simpson "
" Pendleton G. Watmough "
" George E. Belknap "
Master Thos. E. Sheppard "
2d Lieut Marines Wm. W. Kirkland "
Purser John C. Cobbin "
Assistant Surgeon John Vansant "
Carpenter Joseph G. Myers "
Masters Mate Peter McAvoy "

Lieutenant Geo. Colvocoresses — "Levant"
" Jno. J. Guthrie "
" Earl English "
Master Hy. A. Adams Junr "
Assistant Surgeon A. S. Thion "
2d Lt. Marines H. B. Tyler Junr "
Capts Clerk S. A. Coale Junr "
Carpenter Edw. Williams "
Gunner H. M. Gordon "
Masters mate Peter Taylor "

A. H. F.

Decr. 26/~~56~~/56

Report of the Capture of the Barrier Forts, near Canton.

1856, Nov. 3

Your letter of yesterday's date in reply to a circular of mine of the 29th ultimo in reference to the American Flag having been borne on the walls of Canton, that day; and forbidding its use in future except in connection with American interests has been received.

The views expressed in your letter are so much at variance with my own, and conceiving that interests of a grave character may be involved in the subject matter of my circular, I deem it my imperative duty officially to express more fully my own sentiments, as indicating the course of action to be pursued during the pending difficulties between the English and the Chinese.

In my circular I made no reference to your permission from Mr. Parkes the British Consul to join the storming party, nor to the circumstances under which the American Flag was taken to the walls of the city; but simply stated that the Flag was borne upon the walls, and that the act was disavowed by me as tending to compromise our neutrality.

It is not material to the point at issue whether the expression "borne upon the walls of Canton" is correct or not. The Flag was taken to the wall, upon the walls and beyond the walls: it was there seen by the British Admiral and other officers, as well as by a number of gentlemen who accompanied the assaulting party: therefore while I readily admit that the Flag was fastened to the staff, the fact of its being there at all - sufficient exposed to attract so much attention, renders the act, so far as the English are concerned, and as tending to compromise our neutrality, the same as if it had been more fully displayed by floating to the breeze. That you imminently exposed your own life; went further into the city and nearer the Consul; and would, had you been understandingly cooperating with the English have borne

bonne yourself with the gallant and intrepidity of the real heroic of the storming party. I readily believe from your voluntary exposure during the assault as well as from your conduct as a volunteer in the late Mexican war. But these high qualities are to be reserved for the proper time and place of action. It was an English, not an American assault; our flag was taken there without the knowledge of the Commander of the American Forces present; the English did the work, and the whole credit of the victory was due to British gallantry; and the British flag alone should have been seen on the occasion.

You say "by that I had a right to be in the city, and I went. The British were there, and I thought, and still think, that you should have been there also." You must be aware that the Canton Government has constantly refused to comply with the stipulation referred to: therefore the only avenues to redress are either through negotiation or force on the part of our Government; and you will not assert that either you or I are empowered to negotiate or to make war. Your right to go into the city peaceably is in abeyance until the treaty stipulations are enforced by your Government through its properly empowered officers.

With reference to the death of Mr. Cunningham; - the American Minister, Dr. Parker, has quite recently been in personal communication on the subject with the Governor of the province in which it occurred; and you certainly will acknowledge that the affair is in the proper hands, and is not to be taken as a ground of justification of the use of the American flag by any American citizen who may choose to make war on his own responsibility.

The Governor General of Canton has replied

Continued.

continued to all the communications addressed to him by the American Consul since the occurrence of the pending difficulty between the Chinese and British Authorities. He has, in his way, promised protection to American property by the Chinese forces - although I have no faith even in his ability to afford protection of any kind, and therefore our force here, under my command, is to give that protection to American interests which cannot be afforded from any other source; he has also announced his readiness to investigate the insult recently offered to the American flag in the outrageous fire from a fort on the steamer Cum Fa, - although he says it is not a Government fort, but one built by the City for protection against the pirates. If this redress is not promptly obtained, then, and not till then, it will, so far as my own agency may be concerned, be taken in a manner satisfactory to the calls of justice and national honor. The Governor has requested that the Americans will in no way aid the English in the war now pending. In fact the professions of the Chinese Government, since my arrival here, have, in its communications with our Consul been so far of a friendly character; and the act of carrying our flag into the city, by which our neutrality may have been jeopardized, I regard as in the highest degree unwarrantable, - the more so that it was taken through the agency of the American Consul at Hong Kong, whose presence at the assault may possibly have led the Chinese to regard the act as authorized by his Government. I do not question that our Government has many causes of complaint against the Chinese, which call for redress; but I do assert that, when redress is required, it must be obtained through the

authorized

authorized officers of the respective Governments alone, and must not be taken in hand by any American citizen though an insult to the British flag which has led to existing difficulties between the Governor of Canton and the British officers.

You say "Captain Foote, you and I are each authorized to carry a flag and a sword. Henceforth I shall carry mine where I please, and I take the responsibility." In forbidding the use of the American flag except in connection with American interests, I fully appreciate my ability to enforce the declaration. I am the Commanding Officer of the Naval Forces present, and as such am determined that the American flag shall not be used in reference to the present hostile movements except by my authority. I should hope that all American citizens and especially American gentlemen holding the high and responsible position of Consul at other places, would fully appreciate the embarrassments to a Commanding Officer in maintaining an armed neutrality, and would refrain from the use of the American flag when forbidden by that officer; but if not, I shall, (however personally disagreeable it may be to me,) use the force at my command so far as it becomes necessary in this, as well as in other matters, where I conceive it to be my duty to our own Government, and where it is required for the protection of American interests confided to my supervision.

Particularly recommend

U. S. S. "Portsmouth"
Barrier Forts, near Canton
Dec. 5th 1856

Sir

During the late operations of our Naval Forces against the Chinese at the Barrier Forts, the undersigned were associated on duty, with the Howitzer of this ship, and submit the following report.

The practical working of all the fittings of the Howitzer is perfect, and the effect of its ammunition upon open bodies of troops was immediately made evident by the great distance, to which the Chinese would retreat as soon as a shell or shrapnell was thrown in their midst.

When mounted also in position in a captured fort, and brought to bear upon the garrison of an adjoining one, it did good execution materially contributing to silence the enemy and to drive him from his guns. And on the morning of the last day, when the boats charged through a heavy fire upon the only work remaining in the hands of the enemy, the Howitzer in the leading launch, assisted by the two that were firing from the last taken fort, did much to annoy him and to render his aim uncertain, thus bringing about a victory without blood being shed on our side.

The primers never fail to explode; and, owing to the nice adaptation of the charge of powder to the weight of the gun, the recoil is readily controlled. The Canister which is more simple than the Case is preferred.

The routes that we lately traversed, leading through paddy fields or on the tops of embank-

-ments too narrow to admit the spread of the axle, would have been utterly impassable to any other field piece; these obstacles were surmounted with great labor, but it is our opinion that no other field piece could have been successfully carried through them.

We have felt, however, that the arrangement for carrying ammunition is not as perfect as we would desire, and we propose that a light limber be adopted to move with the gun when on shore, but detached from the carriage. No gun should move without, at least, three boxes of ammunition; these now require six men to carry them, for the plan of carrying one box under the axle is impracticable except when travelling over good roads;+ The small limber that we propose would carry four or five boxes, and might be dragged by fewer men than are now required to carry three boxes. This limber might be constructed very light, and the room that it would occupy in the boat would be more than compensated by the advantage that would be derived from it when the Howitzer is landed.

We have been induced to make the above report from a desire to contribute our testimony to the efficiency of the gun, and from a desire to express our acknowledgement that Commander Dahlgren for his unceasing efforts in the Ordnance branch of his profession, and for the improvements which he has introduced into the armaments of our ships & boats, deserves the lasting gratitude of the Navy.

Very Respectfully
E. Simpson Lieut.

Commr. Andrew. H. Foote
U. S. S. Portsmouth
Barrier Forts
Canton River

"The recoil is readily controlled"

The Canister which is now supplied is confined between two plates of iron which seriously damage the bore, producing indentations which have obstructed the entrance of the shell; we ~~propose~~ suggest that wooden plates be substituted for the iron ones, which will not have the effect of injuring the bore, and which will diminish the recoil when the Canister is fired.

The iron strap which encloses the trail wheel and to which the drag rope is attached ~~should be constructed of more solid~~ is not constructed sufficiently strong as the was made apparent, ~~&~~ in the cases of the Howitzers of this ship, + of the Levant by its breaking off in one instance & bending in the other while when coming in contact with an obstacle on the recoil.

+ the plan of carrying ammunition on skids laid upon two carriages connected, was also impossible in consequence of the peculiar character of the country travelled over.

Report of
Lieuts Simpson & Belknap,
on the action of
the Boat Howitzer.
Dec 6th 1856

Hongkong December 2d 1856

Sir

I have the honour to acknowledge receipt of your letter dated 1st inst. just to hand, and beg of you to say to Captain Forte that I am at a loss how to express my thanks for the handsome manner in which he has been pleased to mention my name in his official report, and beg to say, that having been so fortunate as to witness the taking of the barrier forts, and the very gallant manner in which Captain Forte, and every officer under his Command behaved, under circumstances when all engaged, expected to meet twenty to one. my admiration is only surpassed, by his, and the officers magnanimity, in overestimating the small services I was enabled to render, to the flag of my adopted Country on that occasion—

I am Sir very respectfully
Your Obt. St
Wm. Aldrich

To
Geo. B. Bacon Esqr.
Captains Clerk
U. S. S. Portsmouth

Hong Kong, Dec. 5th 1856.

W. M. Robinet Esq.e

to

George B. Bacon

Acknowledging the mention of his name in the report of Capture of Barrier Forts.

Dec 6/56

General Order.

To the Commanders, Officers, Seamen and Marines of the United States Ships "Portsmouth", "San Jacinto" and "Levant."

In the midst of peace, you have been called upon to redress an insult upon the flag of your Country. The necessity of such a step is much to be regretted by us all; even though the manner in which your stern duty has been performed is so honorable to yourselves.

I should omit an act of justice to you, to those who have bravely fallen in the performance of their duty, and to the service to which you belong, if I hesitated to make this official acknowledgement of the spirit and honorable manner in which all have borne their part.

The embarrassment has been to check the earnest zeal with which both Officers and men have sought to place themselves in the most exciting and hazardous positions, and to keep them at any duty, however necessary, which did not bring them in contact with the enemy.

Among the satisfactory results of the conflict in which you have been engaged, is the proof it presents of the intelligent subordination so generally exhibited in this emergency, and also of the magnanimity which has enabled you under aggravating acts to respect the rights of the people whose authorities had forced you into hostility, and thus to do the highest honor to the flag you represent.

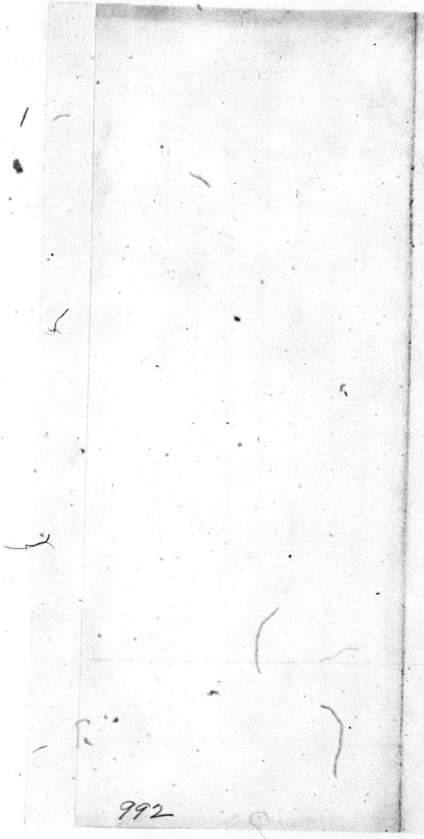
Your best reward is the consciousness

of having well done your duty; but I should fail in mine, unless in this public manner I conveyed to you my earnest thanks, with the hope that you will receive as you have merited the high honor of your Country's approbation.

Given under my hand, on board of the United States Flagship "San Jacinto" at Whampoa, China, on this 8th day of December 1856.

Jas Armstrong

Commander-in-Chief of the United States Naval Forces in the East Indies and China Seas



United States Flag Ship "Susquehanna,"
Hiogo, December 6th 1856

Commodore James Armstrong,
Commanding U. S. Naval Forces,
East Indies and China Seas.

General Order in relation to
operations at the Barrier Forts.

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Commodore Armstrong to Secretary of Navy

No. 37

U.S. Flag Ship San Jacinto
Whampoa, China
10th Dec. 1856

Sir

In my despatches Nos 33 and 36 of November 10th and 12th, I informed the Department of my arrival at Hong Kong and also at this anchorage, and forwarding with them copies of reports received by me from Commander Foote, detailing the occurrences which were then taking place at Canton.

I have now to inform the Department that on the 4th ultimo I despatched the launch of this ship with a howitzer and crew to work it with arms and ammunition and also the Marine guard of this ship to Canton, the former under command of Lieut 1st T. Bowen and two of the assistant Engineers, Mr Brooks and Mr Spooner, — the latter commanded by Captain J. D Simms, of the Marines, to assist the force under the command of Commander Foote in protecting American citizens and their property in that city.

On the morning of the 15th ultimo, Commander Foote came down to this ship and had a Consultation with me, and I resolved to avoid the danger of compromising our neutrality by removing the force from the city of Canton, which had very properly been sent there at the outbreak of the difficulties, though

though it was still my purpose to keep a vessel in the river, off Canton, as a refuge for the Consul and citizens in case of a sack of the city. Commander Foote left this vessel on the afternoon of the same day to return to Canton, having with him Mr Stenges of the house of Rupel & Co of Canton, and an American Missionary. At about 5 P M Commander Foote returned to this ship and reported to me that when off the forts known as the "Barrier Forts" situated about midway between this anchorage (Whampoa) and Canton, his boat was fired into five times with both grape and round shot - but fortunately without doing any injury. I immediately despatched Commanders Foote and Bell to procure one or more steamers for the purpose of towing the Portsmouth and Levant off these forts to redress this outrage upon our flag. At daylight the next morning (16th) the American steamer "Kum Fa" was despatched by me to Canton to bring the Marines, men, launches and howitzers belonging to this ship and to the Portsmouth down to the latter vessel. Lieutenant Williamson, of this ship, with one of our cutters with an armed crew, and having with him Mr Ayers, a pilot was sent to sound

sound out the channel up to the forts. - Lieutenant Williamson returned to the ship at noon and reported he had sounded to within half a mile of the forts, when he was fired upon three times with grape and round shot, and I regret to say that by one of the shots the Coxswain of the boat Edward Mullen, was instantly killed, while in the act of heaving the lead. The "Kum Fa" having returned to this anchorage with the force from Canton, I ordered Commander Bell to take Command of the "Levant" (Commander Smith with a small force having been left at Canton for the protection of our citizens and their property) and having divided the crew of this ship with the Portsmouth and Levant, excepting some fifty men, with Lieutenant Williamson in Command and the Warrant and Engineer Officers to take care of her - she drawing too much water to go up the river. I repaired on board the Portsmouth accompanied by the Fleet Surgeon D. Wood and my Secretary, hoisted my pennant on board of her and in tow of the American steamer "Willamette", the Kum Fa towing the Levant, - got underway and stood up the Whampoa Channel and anchored in the Portsmouth within five hundred yards of the nearest fort at about half past three o'clock P M, and got the ship in position for shelling the forts. The forts opened a brisk and well directed fire upon her before she had come to an anchor, which was at once returned by her with a

a rapid discharge of shells, and which was kept up with little intermission until dark. The Chinese fired exceedingly well and killed the Portsmouth six times; but doing no material injury to her. The Levants position, she having grounded about one mile below us and out of range, did not permit her joining in the attack. The largest of the forts and the one nearest to us, was silenced early in the evening; and the fire of the others became very languid at the close of the action. The Portsmouth, I regret to say, has one of her Marines guard very seriously wounded. The coolness and skill of Commander Foote in taking the Portsmouth into action under fire of the enemy, together with the enthusiasm and discipline displayed by his Officers and crew elated my warmest admiration. Never before have I seen such precision of firing or more steadiness in battle. During the night the Levant was got off and placed in position, keeping her broadside & spring all the following day on the forts.

On the 17th, the Portsmouth having grounded in the narrow Channel the two ships remained inactive except in getting out Kedges &c to haul off by. While in this condition and in some degree at a disadvantage, the forts did not resume firing. I therefore, believing that their disposition, or means of hostility

lility has terminated thought this a favorable opportunity to obtain from the Imperial Commissioner at Canton, an explanation of the cause of the attack on our flag, and a security that it should not be repeated. With this view I returned to the San Jacinto, leaving Commander Foote in command, with orders to keep his position upon the forts, but not to fire unless assailed by them. In the meantime I forwarded to the Imperial Commissioner the communication a copy of which accompanies this.

Commander Smith, with the remaining force at Canton, joined the Levant on the evening of the 17th and resumed the command of her. Commander Bell remaining with the vessels off the forts to render any assistance in his power towards the success of the expedition.

On the evening of the 19th I learned that the forts were repairing and strengthening their means of assault. I therefore addressed Commander Foote an order to prevent this and to take such measures as his judgement would dictate, if it was even the capture of the forts, Commander Foote having reported to me, that his force was ample for anything I might direct.

I received on the 20th inst the reply to my communication from the Imperial Commissioner

missioner, a copy of the translations of which is herewith inclosed, and on the same day I addressed another communication to him, a copy of which is herewith inclosed.

On the 16th I ordered the following Officers from this ship to repair on board the Portsmouth and Levant to assist in the operations off the forts — viz — to the Portsmouth Lieutenants Rutledge and Bowen, and Asst Surgeon R. P. Daniel — to the Levant Lieutenants Lewis and Carter and Captain Simms of the Marine guard.

I would additionally remark as tending from all extenuation of the outrage upon the flag of the United States, that those of France and Portugal were permitted to pass undisturbed, that of France covering at the time an armed lorcher, and the French having a force quartered in Canton.

I deem it my duty to inform the Department that our operations have been very much embarrassed by the want of steamers of a light draft of water, say from twelve to fourteen feet, to mount a few shell guns such as the Portsmouth has in her battery, which are the most efficient guns I have ever seen. I earnestly urge upon the Department the necessity of steamers being sent out with as little delay as possible, my force being entirely too small for the duty to be performed.

on this station.

I would also request that the Department will send out with the least possible delay ammunition for the 64 pounder guns and howitzers with fuzes of this years (1856) mark of 5, 10, and 15 seconds. The Portsmouth's battery is composed of 64 pounder shell guns exclusively. In the attack upon these four stone forts, a great many of our shells have been exploded.

I have the honor to be
Very respectfully
Your obed't Serv't
signed James Armstrong
Comd'g U. S. Naval forces
East Indies & China seas

To Hon. J. C. Dobbin
Secretary of the Navy
Washington
D. C.

No 37

Copy.

United States Flag Ship "Santa Jacinto",
Whampoa, 10th November 1856.
[December]

Sir,

In my hurried report of the transactions at the "Barrier Forts", dated 22d November last, to go by the extra mail from Hong Kong on the 24th, Via Calcutta, in the absence of all the Officers engaged in those operations, I have made some mistakes and omissions which I shall endeavor to correct in this revised report; and I have to request that you will substitute this for that of the 22d Ultimo.

In my despatches Nos 33 and 36 of November 10th and 12th, I informed the Department of my arrival at Hong Kong and at this Anchorage, and forwarding with them copies of reports received by me from Commander Foote, detailing the occurrences which were then taking place at Canton.

I have now to inform the Department that on the 14th Ult. I despatched the Launch of this Ship with a howitzer and a crew to work it, with arms and ammunition, and also the Marine Guard of this Ship to Canton: the former under Command of Lieutenant R. T. Bowen and two of the assistant Engineers, Mr. Brooks and Mr. Spooner; the latter Commanded by Captain I. D. Simms, of the Marines, to assist the force under the Command of Commander Foote in protecting American Citizens and their property in that City.

On the Morning of the 15th Ult., Commander Foote came down to this Ship and had a Consultation with me, and I resolved to avoid the danger of Compromising our Neutrality by removing the force from the City of Canton, which had very properly been sent there at the outbreak of the difficulties: though it was still my purpose to keep a Vessel in the river off Canton as a refuge for the Consul and Citizens in case of a sack of the City.

Commander Foote left this Vessel on the afternoon of the same day to return to Canton, having with him Mr Steiger, of the House of Russell & Co. of Canton, and an American Missionary. At about 5 P. M. Commander Foote returned to

Hon: J. C. Dobbin,
Secretary of the Navy,
Washington. DC.

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to this Ship and reported to me, that, when off the forts known as the "Barrier Forts", situated about mid-way between this anchorage (Whampoa) and Canton, his boat was fired into five times with both Grape and round Shot, but fortunately without doing any injury. I immediately despatched Commanders Foote and Bell to procure one or more Steamers for the purpose of towing the "Portsmouth" and "Levant" off these forts to redress this outrage upon our flag. At daylight the next morning (16th inst.) the American Steamer "Kum Fa" was despatched by me to Canton to bring the Marines, Men, Launches and Howitzers belonging to this Ship and to the "Portsmouth" down to the latter Vessel. Lieutenant Williamson of this Ship, with one of our Cutters with an armed crew, and having with him Mr. Ayers, a pilot, was sent to sound out the Channel up to these forts. Lieutenant Williamson returned to the Ship at noon and reported that he had sounded to within less than a half of a mile of the forts, when he was fired upon three times with grape and round Shot. And, I regret to say, that by one of the Shots the Coxswain of the boat, Edward Mullen, was instantly killed while in the act of hearing the lead. The "Kum Fa" having returned to this anchorage with the force from Canton, I ordered Commander Bell to take Command of the "Levant" (Commander Smith with a small force having been left at Canton for the protection of our Citizens and their property), and having divided the crew of this Ship with the "Portsmouth" and "Levant", excepting some sixty men, with Lieutenant Williamson in Command, and the Marines and Engineer Officers to take care of her - She drawing too much water to go up the river -, I repaired on board the "Portsmouth", accompanied by the Fleet Surgeon and my Secretary: hoisted my Pennant on board of her and in tow of the American Steamer "Willamette" - the "Kum Fa" towing the "Levant" - got under way and stood up the Whampoa Channel and anchored in the "Portsmouth" within five hundred yards of the nearest fort at about half past three o'clock P.M. and got the Ship in position for Shelling the forts. The forts opened a brisk and well directed fire upon her before she had come to an anchor,

which

which was at once returned by her with a rapid discharge of Shells and which was kept up with little intermission until dark. The Chinese fired exceedingly well and hulled the "Portsmouth" five times, but doing no material injury to her. The "Levant's" position, she having grounded about one mile below us and out of range, did not permit of her joining in the attack. The largest of the forts and the one nearest to us was silenced early in the evening, and the fire of the others became very languid at the close of the action. The "Portsmouth", I regret to say, had one of her Marine Guard very seriously wounded. The coolness and skill of Commander Foote in taking the "Portsmouth" into action under fire of the enemy, together with the enthusiasm and discipline displayed by his Officers and ~~men~~ Crew, excited my warmest admirations. Never before had I seen such precision of firing or more steadiness in battle. During the night the "Levant" was got off and placed into position, keeping her broadsides bearing all the following day upon the enemy.

On the 17th the two Ships having grounded remained inactive, except in getting out kedges &c. to haul them off. While in this condition, and in some degree at a disadvantage, the forts did not resume firing. I, therefore, believing that their disposition or means of hostility had terminated, thought this a favorable opportunity to obtain from the Imperial Commissioner at Canton an explanation of the cause of the attack upon our flag, and a security that it should not be repeated. With this view I returned to the "San Jacinto", leaving Commander Foote in Command with orders to keep in position upon the forts, but not to fire unless assailed by them. In the mean time I forwarded to the Imperial Commissioner the Communication, a Copy of which accompanies this.

Commander Smith, with the remaining forces at Canton, joined the "Levant" on the evening of the 17th and resumed the Command of her, Commander Bell remaining with the vessels off the Forts to render any assistance in his power towards the success of the expedition.

On

On the evening of the 19th I learned that the forts were renewing and strengthening their means of assault, I, therefore, addressed Commander Foote an Order to prevent this, and to take such measures, as his judgment would dictate, if it was even the Capture of the forts:- Commander Foote having reported to me that his force was ample enough for any thing I might direct.

I received on the 30th instant the reply to my communications, from the Imperial Commissioner, a Copy of the Translation of which is herewith forwarded, and on the same day I addressed another Communication thereon, a Copy of which is herewith enclosed.

On the 16th I ordered the following Officers from this Ship to repair on board the "Portsmouth" and "Levant" to assist in the operations off the forts:- viz:- to the "Portsmouth" Lieutenants Rutledge and Bowen and Assistant Surgeon R. P. Daniel:- to the "Levant" Lieutenants Lewis and Carter and Captain Simms, of the Marine Guard.

I would additionally remark as taking from all extenuation of the outrage upon the flag of the United States that those of France and Portugal were permitted to pass undisturbed. That of France covering at the time an armed Lorcha, and the French having a force Quartered in Canton.

I deem it my duty to inform the Department that our operations have been very much embarrassed by the want of Steamers of a light draft of water, say from twelve to fourteen feet, to mount a few shell guns, such as the "Portsmouth" has in battery. Which are the most efficient guns that I have ever seen. I earnestly urge upon the Department the necessity of Steamers being sent out with as little delay as possible. My force being entirely too small for the duty to be performed on this Station.

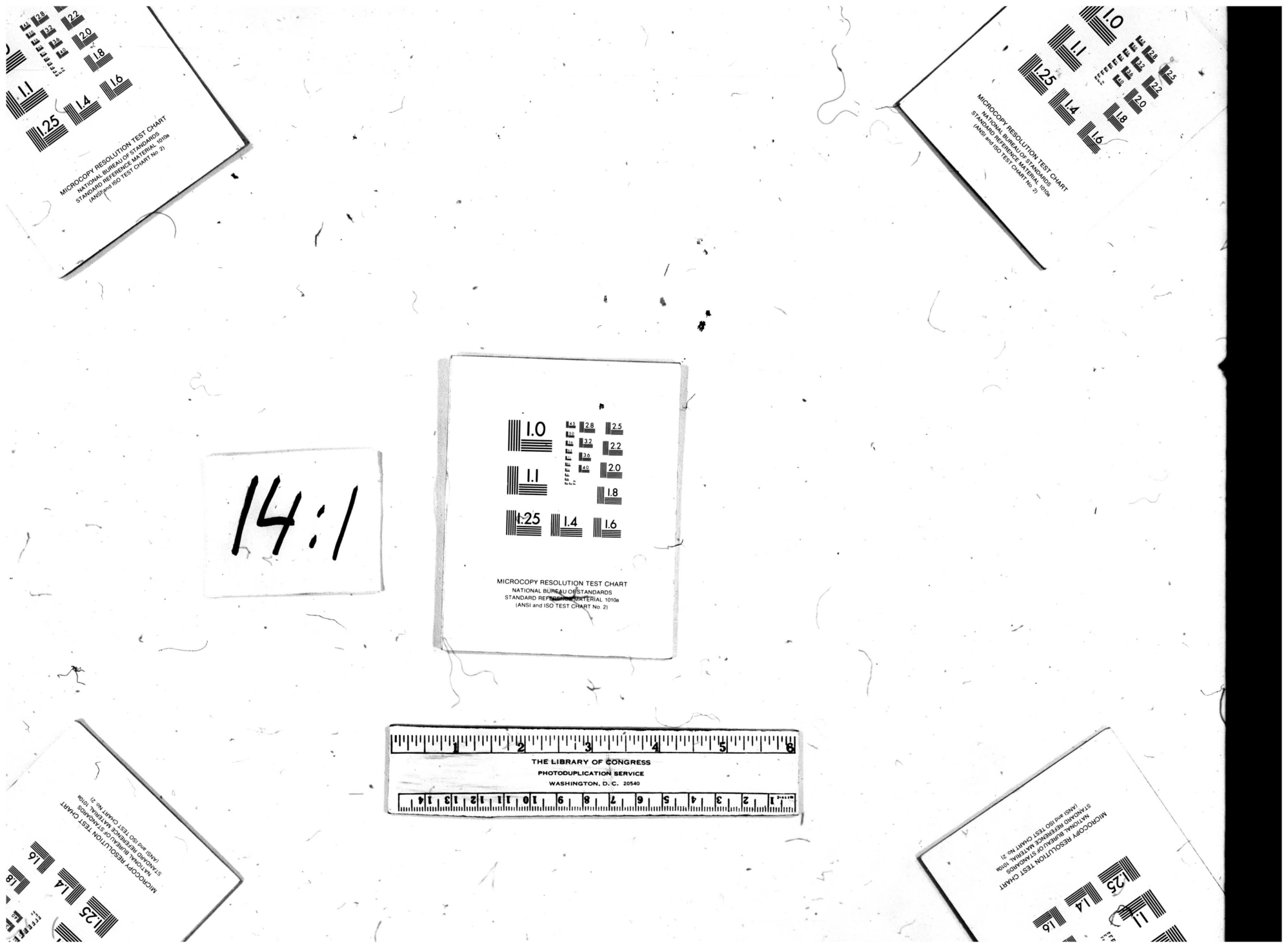
I would also request that the Department will send out, with the least possible delay Ammunition for the 64 pounder Guns and howitzers. With fuzes of this years (1856) make of 5, 10 and 15 seconds. The "Portsmouth's" battery is composed of 64 pounder shell guns exclusively. In the attack

attack upon these four Stone forts a great many of our Shells have been expended.

I have the honor to be,
Very respectfully
Your obedient Servant
(Signed) Jas. Armstrong
Comg U. S. Naval Forces
East India and China Seas.

I certify the foregoing to be a true Copy.
A. Vanden Heuvel
Commodore's Secretary.

944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